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ABSTRACT

These hearings transcripts compile testimony before the Subcommittee on Human Resources of the Committee on Ways and Means focusing on the performance of the child support enforcement program and providing information on current child support and fatherhood proposals. Oral testimony was heard from eight invited witnesses. Three members of Congress discussed proposals to strengthen child support enforcement through changing the tax code and allowing support money to flow directly to the child's mother rather than to the state. Representatives from various advocacy and community organizations discussed the need to reduce out-of-wedlock births, simplify child support distribution, eliminate the cap on child support federal incentive funding, provide support and help to fathers who want to pay child support but cannot, and emphasize fatherhood as well as marriage in welfare reform authorization. Witnesses emphasized that the child support reform enacted in 1996 substantially improved the performance of the child support program; they further asserted that H.R. 1471 and other proposals illustrate the progression away from a child support system focused on cost recovery to one promoting family self-sufficiency, noting that assignment and distribution reforms in H.R. 1471 would increase child support for poor children and would also fund demonstration projects serving low-income noncustodial parents. Thirty submissions for the record from advocacy organizations and parents examined issues related to fathers' rights, described problems with the current child support system in particular and with welfare reform in general, detailed social consequences of fatherlessness on children, and discussed issues related to paternity establishment. These submissions also argued that proposed legislation does not address the true causes of poverty in America and fails to deal with domestic violence issues, and described problems in the family court system. Questions from the chair to the panel included one regarding a projected

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financing gap in the child support program as a result of declining welfare caseloads. (KB)

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ED 464 705

CHILD SUPPORT AND FATHERHOOD PROPOSALS

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RESOURCES

OF THE

COMMITTEE ON WAYS AND MEANS
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

JUNE 28, 2001

Serial No. 107–38

Printed for the use of the Committee on Ways and Means

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CHILD SUPPORT AND FATHERHOOD PROPOSALS

THURSDAY, JUNE 28, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON HUMAN RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:10 p.m., in room 1100 Longworth House Office Building, Hon. Wally Herger (Chairman of the Subcommittee) presiding.

[The advisory announcing the hearing follows:]

ADVISORY

FROM THE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE ON HUMAN RESOURCES

FOR IMMEDIATE RELEASE
June 21, 2001
No. HR–7

CONTACT: (202) 225–1025

Herger Announces Hearing on Child Support and Fatherhood Proposals

Congressman Wally Herger (R–CA), Chairman, Subcommittee on Human Resources of the Committee on Ways and Means, today announced that the Subcommittee will hold a hearing on oversight of the child support program. **The hearing will take place on Thursday, June 28, 2001, in the main Committee hearing room, 1100 Longworth House Office Building, beginning at 2:00 p.m.**

In view of the limited time available to hear witnesses, oral testimony at this hearing will be from invited witnesses only. Witnesses will include Members of Congress, program experts, advocates, and researchers. However, any individual or organization not scheduled for an oral appearance may submit a written statement for consideration by the Committee and for inclusion in the printed record of the hearing.

BACKGROUND:

The Child Support Enforcement (CSE) program, created in 1975 and authorized under Title IV–D of the Social Security Act, is a State-Federal partnership developed to collect child support payments from parents who do not live with their children. It serves families that are recipients of the Temporary Assistance for Needy Families (TANF) program and non-recipient families.

The 1996 welfare reform made significant changes to the child support system. It included provisions requiring States to: (1) establish an integrated, automated child support system; (2) increase the percentage of non-custodial parents (mostly fathers) identified; (3) implement more techniques to obtain support collections from non-custodial parents; (4) intercept or seize periodic or lump sum payments; (5) withhold, suspend, or restrict drivers, professional, and hunting and fishing licenses; (6) advise the Secretary of State about debtor parents so passports could be revoked or restricted; and (7) conduct data matches with financial institutions and seize resources of debtor parents.

In 2000, the program collected $18 billion in child support payments for single parents and their children—up from $8.9 billion in 1993, a 100 percent increase. In 1999, paternity was established in over 1.5 million cases (up from 676,000 in 1994), and nearly 1.2 million new child support orders were established.

Proposals to enhance the operation and efficiency of the public child support enforcement program are often considered along with efforts to improve the employability and earnings of non-custodial parents, most often fathers. For example, in the current Congress, Human Resources Subcommittee Members Reps. Nancy Johnson (R–CT) and Ben Cardin (D–MD) have introduced H.R. 1471, the "Child Support Distribution Act of 2001." This legislation is one of a number of proposals, including the President as part of his fiscal year 2002 budget proposal, seeking to enhance the role of noncustodial fathers in today's families.

For single-parent families, the financial and emotional contributions of the noncustodial parent can make a tremendous difference in the lives of children. Unfortunately, unmarried poor fathers tend to have elevated rates of unemployment and incarceration compared to other fathers. Legislative initiatives the Subcommittee will hear about are designed to prevent the cycle of children being reared in fatherless families by supporting projects that help fathers meet their responsibilities as husbands, parents, and providers. The proposals promote marriage among parents, help poor and low-income fathers establish positive relationships with their children and the children's mothers, promote responsible parenting, and increase family income by strengthening the father's earning power.

In announcing the hearing, Chairman Herger stated: "This hearing will bring us up to date on the performance of the child support enforcement program. We are particularly interested in how the reforms made in the 1996 welfare law have affected the child support system and in proposals to better serve parents, children, and noncustodial parents. We also will learn more about current proposals to enhance the role of fathers in their children's lives."

FOCUS OF THE HEARING:

This hearing will focus on child support and fatherhood proposals.

DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:

Any person or organization wishing to submit a written statement for the printed record of the hearing should *submit six (6) single-spaced copies of their statement, along with an IBM compatible 3.5-inch diskette in WordPerfect or MS Word format, with their name, address, and hearing date noted on a label*, by the close of business, Thursday, July 12, 2001, to Allison Giles, Chief of Staff, Committee on Ways and Means, U.S. House of Representatives, 1102 Longworth House Office Building, Washington, D.C. 20515. If those filing written statements wish to have their statements distributed to the press and interested public at the hearing, they may deliver 200 additional copies for this purpose to the Subcommittee on Human Resources office, room B–317 Rayburn House Office Building, by close of business the day before the hearing.

FORMATTING REQUIREMENTS:

Each statement presented for printing to the Committee by a witness, any written statement or exhibit submitted for the printed record or any written comments in response to a request for written comments must conform to the guidelines listed below. Any statement or exhibit not in compliance with these guidelines will not be printed, but will be maintained in the Committee files for review and use by the Committee.

1. All statements and any accompanying exhibits for printing must be submitted on an IBM compatible 3.5-inch diskette WordPerfect or MS Word format, typed in single space and may not exceed a total of 10 pages including attachments. **Witnesses are advised that the Committee will rely on electronic submissions for printing the official hearing record.**

2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.

3. A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee, must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears.

4. A supplemental sheet must accompany each statement listing the name, company, address, telephone and fax numbers where the witness or the designated representative may be reached. This supplemental sheet will not be included in the printed record.

The above restrictions and limitations apply only to material being submitted for printing. Statements and exhibits or supplementary material submitted solely for distribution to the members, the press, and the public during the course of a public hearing may be submitted in other forms.

Note: All Committee advisories and news releases are available on the World Wide Web at "http://waysandmeans.house.gov/".

The Committee seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202–225–1721 or 202–226–3411 TTD/TTY in advance of the event (four business days notice is requested). Questions with regard to special accommodation needs in general (including availability of Committee materials in alternative formats) may be directed to the Committee as noted above.

Chairman HERGER. Welcome to this afternoon's hearing on child support and fatherhood proposals.

Our hearing today will provide oversight on the child support program as well as allow us to explore further changes such as those in legislation introduced by our colleagues, Nancy Johnson and Ben Cardin.

Substantial reforms of the child support enforcement program were enacted in the 1996 welfare reform law. For example, we have seen the creation of a new hire database, improved paternity establishment, use of financial institution data matches, and revocation of driver's licenses and other privileges for parents delinquent in paying child support.

This Subcommittee has and will continue to monitor the effects of such changes. Here is what we know already. In 2000, $17.9 billion in child support was collected, which is a 50-percent increase since 1996. By using the passport denial program, $7 million in lump-sum payments were collected in the last year, and the number of paternities established in 2000 reached a record 1.6 million, an increase of 46 percent since 1996. Overall, the system seems to be operating more efficiently with total collections per program dollars spent on the rise as well.

Yet, with all that, we also know that in 1999, the program collected child support payments for only 37 percent of its caseload. So this leads to a number of questions: which of the recent changes have been most effective, which need further refinement, and what else can be done to improve child support collections?

The options for further improvements include the second topic of our hearing today, fatherhood proposals. Single-parent families benefit in many ways from the contributions of a noncustodial parent, most often a father. Unfortunately, many fathers are poor, and as a group, unmarried poor fathers face greater challenges than other dads such as elevated rates of unemployment and incarceration. Some were themselves raised by single moms, often without the benefit of a positive male role model.

The fatherhood initiatives we will hear about today are designed to help break this cycle, to help fathers meet their responsibilities as parents, providers, and hopefully husbands. That should improve child support collection, but this effort is about much more than just that.

For too long, government seemed to care only about the provider side of this role, which is important to be sure. But children need more than just financial support to grow into healthy, productive members of society. Every child deserves a father for all the roles

a dad plays in a child's development—parent, mentor, disciplinarian, coach, and friend.

In addition to helping fathers and children improve their emotional and financial connections, fatherhood programs also can help both fathers and mothers better understand the positive aspects of marriage.

For example, a recent study indicates that teenagers living with their married biological parents have lower levels of emotional and behavioral problems, higher levels of school involvement, and fewer school suspensions or expulsions than teens living in step-families, with single mothers, or in cohabiting families.

I am encouraged that many fatherhood programs let young people know about the benefits of marriage, especially for their children. The House is on record supporting such efforts, and the President has proposed additional funding. So support seems to be growing, at least in part, because, as we will hear, the need for fatherhood programs is great.

To discuss these topics and more, we have a distinguished group of witnesses with us today. We will start by hearing from Members of Congress about proposals they have introduced. Then we will hear from the States, advocates and researchers, about what is working and what more should be done.

Finally, I note that Ron Haskins is joining us as a witness today for the first time since his departure as this Subcommittee's staff director last year. We welcome him back and thank him for his many years of service to this Committee and the Congress.

Without objection, each member will have the opportunity to submit a written statement and have it included in the record, and at this point, Mr. Cardin, would you like to make an opening statement?

[The opening statement of Chairman Herger follows:]

Opening Statement of the Hon. Wally Herger, a Representative in Congress from the State of California, and Chairman, Subcommittee on Human Resources

Welcome to this afternoon's hearing on child support and fatherhood proposals.

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- Which need further refinement? and
- What else can be done to improve child support collections?

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The fatherhood initiatives we will hear about today are designed to help break this cycle—to help fathers meet their responsibilities as parents and providers, and hopefully husbands. That should improve child support collection, but this effort is about much more than just that.

For too long, government seemed to care only about the provider side of this role, which is important to be sure. But children need more than just financial support to grow into healthy, productive members of society. Every child deserves a father, and all the roles a dad plays in a child's development—parent, mentor, disciplinarian, coach, and friend.

In addition to helping fathers and children improve their emotional and financial connections, fatherhood programs also can help both fathers and mothers better understand the positive aspects of marriage. For example, a recent study indicates that teenagers living with their married, biological parents have lower levels of emotional and behavioral problems, higher levels of school involvement, and fewer school suspensions or expulsions than teens living in stepfamilies, with single mothers, or in cohabiting families.

I am encouraged that many fatherhood programs let young people know about the benefits of marriage, especially for their children.

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To discuss these topics and more we have a distinguished group of witnesses with us today. We will start by hearing from Members of Congress about proposals they have introduced. Then we will hear from the States, advocates, and researchers about what is working, and what more should be done.

Finally, I note that Ron Haskins is joining us as a witness today for the first time since his departure as this Subcommittee's Staff Director last year. We welcome him back, and thank him for his many years of service to this Committee and the Congress.

Mr. CARDIN. Thank you, Mr. Chairman. I am glad you pointed out that Ron Haskins is here so I have the opportunity to cross-examine him when he gets up here. I have been looking forward to that for a couple of years.

Mr. Chairman, let me thank you for holding this hearing. We need to look at our child support collections system, and we need to reform it. We can work in a very bipartisan way in order to try to improve the quality of life for families to depend upon the collection of child support.

I particularly want to acknowledge our colleagues that are here. Mrs. Johnson, the distinguished Chair of this Committee in the last Congress, forged a very strong coalition among Democrats and Republicans to reform our child support system. It wasn't her first actions last year, and when we were able to pass a bill very similar to the one that we are considering today by a vote of 405 to 18 on the floor of the House, but for over the years that she has been working on the child support issues.

It was my pleasure last year to join her in that legislation, and again this year to join her in the legislation that reforms our child support system so that more money, in fact, can go to the families and that we can make it simpler for our local governments to administer our child support system.

I also want to acknowledge Mike Castle, who has come up with a very important tool to help families collect child support, and I applaud Mike's actions on this issue.

Chris Cox has come up with a proposal to help use our Tax Code in a more effective way to help families collect child support. So I appreciate all three of our colleagues being here today to assist us as we develop legislation to reform our child support collections system.

Mr. Chairman, child support should go to the children. I guess that is why we call it "child support," but, today, the arrearages in many cases go to government, not to the families. Our laws require that the governments be paid back first. If a State wants to pass through more child support to the families, the Federal laws penalize those States by requiring the State to pay the Federal share which can be anywhere between one-half to three-quarters of the total amount that is passed through to the family.

We just recently had a debate on the floor of this Congress about what marginal tax rates should be, and I heard many of my colleagues talk about in-the-thirties percent being too high of a marginal tax rate. Well, we have 100-percent tax rate on child support collections today, 100-percent rate for the poorest people in our country, and that makes absolutely no sense at all.

That is why we need to enact legislation that Mrs. Johnson and I have been working on that would allow States to pass through child support to the families first. Many of these families are not on welfare today. To encourage work, we should be doing this, without having to pay the Federal share as long as the State disregards the money for the purposes of determining eligibility.

I think that makes a lot of sense. I think we need to move forward on that legislation. Let me just give you a few reasons more. First, it will provide resources to families that need it. The Congressional Budget Office has estimated this will be about $6.3 billion over the next 10 years going to these families. That is a significant amount of resources going to low-income families.

Second, it is incentive for the noncustodial parent to pay child support. If it goes to the families, it is much more likely that the noncustodial parent will, in fact, pay child support.

Third, it helps the family unit to work together. The noncustodial parent feels that he is part or she is part of the family, which is not the case today in many cases.

Last, as I mentioned earlier, it certainly simplifies the administration of the child support systems in this country.

So, for all of these reasons, I hope that this Committee and this House will do what we did last year and pass this legislation and hopefully convince the other body to do the same.

Last, let me point out that the fatherhood provisions that were worked on and passed at least twice by the House in the last Congress were carefully worked on by Mrs. Johnson and I and a group of people in a very bipartisan way, which sets up a way that we can really work to help the noncustodial parent, by developing some national models and some local efforts to improve efforts to help the noncustodial parent be part of the family and a constructive provider of support.

So I would hope that the Committee would look kindly on this legislation, and I do look forward to hearing from all the witnesses today.

[The opening statement of Mr. Cardin follows:]

Opening Statement of the Hon. Benjamin L. Cardin, a Representative in Congress from the State of Maryland

Mr. Chairman, I commend you for holding this hearing to evaluate proposals on improving our Nation's child support enforcement system and on promoting responsible fatherhood. I hope today's hearing represents the first step towards this panel passing long overdue reforms to the child support system.

I am very pleased that we are joined today by a panel of our colleagues who have considerable experience in these issues. Nancy Johnson has been a pioneer in improving our child support system, and I was very pleased to join her earlier this year in reintroducing the Child Support Distribution Act, HR 1471. An almost identical version of this bill passed the House last year by a vote of 405 to 18.

We are also joined by Mike Castle, who has championed an expansion of an existing child support collection tool (a proposal that is included in the larger Johnson bill), and by Chris Cox, who has proposed a change in the tax code to encourage the payment of past-due child support.

Mr. Chairman, if you took a poll that asked whether child support payments should go to the children for whom it was paid, I am sure the vast majority of Americans would say—Yes, of course those payments should be used to support children. That's why we call it child support.

Unfortunately, our child support laws provide a very different response to that question. Current law actually penalizes States that send child support collections to families struggling to leave welfare, and in some cases, to families that have already left public assistance.

For example, if a State sends a child support collection to family on welfare, it still owes the Federal government between half and three-quarters of that same child support payment. This has *disc*ouraged States from passing through child support—and encouraged them to adopt an effective 100% tax rate on child support payments to certain families.

The Johnson-Cardin Child Support Distribution Act, HR 1471, would end this disincentive for States to send child support to families. This bipartisan measure would provide States with various options to send child support to low-income families—with the Federal government acting as a financial partner, rather than a financial barrier. For example, States would be permitted to pass-through up to $400 a month to families receiving cash welfare, as long as the amount is disregarded for welfare payment purposes. In addition, States could send all support to families that have left cash welfare.

The Congressional Budget Office estimates these reforms would send an additional $6.3 billion in child support to low-income families over the next ten years compared to current law.

There are three primary benefits to passing through more child support to current and former welfare families. First and most obviously, the policy will result in more resources to provide food, clothes and shelter for some of our Nation's poorest children.

Second, passing through child support will encourage non-custodial parents to pay support because they will know their payments are going to benefit their families, rather than going to State and Federal treasuries. Perhaps just as importantly, this enhanced sense of financial responsibility may actually foster closer emotional ties between absent parents and their children.

And third, this change will greatly simplify the administration of the child support system, which will free up caseworkers to ensure the payment of child support, instead of spending precious time on complying with complicated and time-consuming Federal regulations.

In addition to the child support reforms,

HR 1471 includes $155 million for competitive grants designed to promote responsible fatherhood. This section of the bill, which includes a fully-funded evaluation, will give us some much needed data on how we can improve certain parents prospects for employment, marriage and an improved relationship with their children.

I hope this subcommittee will pass legislation including these vitally important child support and fatherhood provisions as soon as humanly possible. The Child Support Distribution Act has the overwhelming support of both Republicans and Democrats and of groups representing both mothers and fathers. We should act on

this consensus and pass legislation that will have an immediate and meaningful impact on millions of children. Every day we wait, is one more day that a parent's support will not reach their child.

Thank you.

Chairman HERGER. Thank you, Mr. Cardin.

Before we move on to our testimony this afternoon, I want to remind the witnesses to limit their oral statements to 5 minutes. However, without objection, all of the written testimony will be made a part of the permanent record.

For the first panel today, we are honored to have several of our House colleagues. I would like to welcome the Honorable Nancy Johnson of Connecticut, a Member of this Subcommittee, the Honorable Christopher Cox from my home State of California, and the Honorable Mike Castle of Delaware. Again, I welcome each of you here.

With that, we will begin with your testimony, Mrs. Johnson.

STATEMENT OF THE HON. NANCY L. JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Thank you very much, Mr. Chairman.

As you and Mr. Cardin both know, I am intensely interested in the work you are doing and commend you on moving forward on the important issues that face our children and families in America.

Let me be brief because I know you both know a good deal about the bill that I am going to talk about and, in larger measure, the subjects I am going to talk about.

First of all, I am pleased that Mr. Cardin and I did pass legislation in the last session that had overwhelming support and was a real advance in the concept of the child support law. We did pass very tough enforcement a few years ago, and we are collecting a lot more child support than we ever have, but it is not going directly to the woman. It is not going directly to the mother of the child. It is not going directly into the family's resources. So, as we move forward with welfare reform, we need to have this money flow to the mother of the child in order to create the bond between the mother of the child and the father of the child that will allow the development of the human relations, the emotional ties that are essential to the well-being of that child.

So our bill does say that when they leave welfare, the money goes directly to them, but, more importantly—and it was more controversial—it says that the money can flow to the mother while she is still on welfare. This is extremely important.

When that young man is making child support payments, he needs to feel he is contributing to his family, and the mother of the child needs to feel that contribution. Unless it comes directly—and with today's technology, we can easily account for that in our system. Instead of having it flow to the State and from the State to the mother, which it does now, it must flow directly because then the mother gets it; that the father is there and is a part of this child's life and a part of the economic security of this child. It is

one of the most compelling facts in the whole hemisphere of facts associated with all of these issues is the fact that when a child is born out of wedlock, 80 percent of the women and men believe the relationship that produced the child was a serious and important one and, furthermore, was going to last into the future. In 2 years, the fathers are gone. So we need to look seriously at our responsibility to make sure the fathers are not gone, and part of that is to enforce the child support laws, but to make sure that the flow of those dollars into the family give that male standing in that family as the father of that child.

If you combine the child support changes that we are proposing in our legislation with the fatherhood provisions—and these, at this point, only apply to the fathers of children on welfare or who have been on welfare within the last year—the goal is to give the men the same support we are giving the women, so that not only can they grow economically in parallel, but so that they can grow emotionally in parallel.

One of the reasons the men are gone in 2 years is because during that time, the woman has had job service, some career counseling. She has gone through a process which helps her see what her capabilities are. She often has started her first job, and she has begun to see herself as a mother and as an earner and as a competent adult.

Meanwhile, her male friend down here is still on the streets, unemployed, or with a very low level or very sporadic pattern of employment. So, if he has the same experiences, if he is helped into the same legitimate structure of work and reward, then they experience the same things. They both grow in their understanding of their own power as economic providers, and they have the chance to both participate in the kind of parenting programs and money management programs that we know will fill gaps in their educational experience, so that they can be competent adults.

I just want to point to one thing that Ben Cardin did mention because it is absolutely critical. We took a lot of flack on this last year from some groups, but if we do not do something to help these young men with the problem of arrearages, then we will not get them into the work force that pays Social Security and on retirement is eligible for benefits and Medicare.

Right now, because we cannot deal with the problem of arrearages, because they have all that debt, they stay out of the legal employment system. They do not contribute to Social Security. They will not be eligible for Medicare, and, furthermore, there is a limit to how much they can earn and help with their family. So that is one of the reasons they are gone.

We have to help them earn off those arrearages, and we can give them, for instance, credit for in-kind services and things like that.

We did not define what you ought to do because we need to see what States think up that they want to do, but we have got to face squarely the underground economy we force these young men into, not just for a year or two, but for the rest of their lives.

So I thank you for your consideration of the child support issues and of the fatherhood issues, and I look forward to working with you and thank you very much.

[The prepared statement of Mrs. Johnson follows:]

Statement of the Hon. Nancy L. Johnson, a Representative in Congress from the State of Connecticut

Mr. Chairman, and members of the committee, thank you for holding this hearing today and for your tireless efforts on behalf of our nation's families. I would also like to thank the Ranking Member, Mr. Cardin, for his hard work and insight in this area.

The 1996 welfare reform law has been one of the greatest social policy successes of the last half century. Due in great measure to this law and excellent reforms in the earned income credit, Medicaid child care, and other programs that support working families, work by single mothers, and especially never-married single mothers, has increased in the last 5 years to its highest level ever.

As a result, according to a broad Census Bureau measure of poverty, we have reduced child poverty by nearly 30 percent in the last 5 years. This is a historic achievement made possible by legislation that originated in this body.

Welfare reform has put us on the right track. But many of these single mothers and their children are struggling on extremely low incomes. Those who used to be on welfare are now in the workforce, but all too often their day-to-day personal struggle is nothing short of heroic. They work hard to juggle transportation, child care, work, and family time. It is a big job and millions of women are tackling it with determination and grit.

This is why I, along with my good friend Mr. Cardin, have reintroduced the Child Support Distribution Act. I am proud to say this legislation passed the House of Representatives last September by an overwhelming vote of 405–18. This legislation is designed to ensure that these mothers who have left welfare get all the help they deserve. Under this bill they will get to keep more of the child support money the fathers of their children are paying.

It is time to modernize the child support system's connection with welfare and require that a woman gets 100 percent of the father's child support payment as she leaves welfare. That is exactly what this bill does.

When fully implemented, this legislation will provide young mothers leaving welfare with an additional $700 million per year. That is $3.5 billion over 5 years. And every penny of it comes from child support payments made by fathers.

In addition, this bill allows states to pass along child support through to the family while the family is still on welfare. This will encourage the development of the bond between the noncustodial and custodial parent, help them develop an understanding of their economic ties, and better prepare families for the transfer off of welfare. Remember, if they understand the economic ties that bind, they are going to be better positioned to develop the emotional ties on which a secure life for the child depends.

Of course, the best solution for these single mothers and their children would be to form two-parent families through marriage. We now have overwhelming evidence from research that marriage is good for health and happiness of both mothers and fathers, but the greatest beneficiaries of marriage are the children.

Thus, as part of this very balanced legislation, we propose to fund small-scale community and faith-based projects throughout the Nation to promote marriage and/or better parenting by low-income fathers whose children are on welfare and to help them improve their economic circumstances.

I know that many in this body doubt that government should be involved in promoting marriage, so I urge them to consider how our proposal would work. We want to provide seed money to help faith-based and other community organizations tackle this vital job. Seventy-five percent of the funds must support nongovernmental organizations. So we are not creating a new government program and bureaucracy. Government is simply a mechanism to help private organizations perform this important work.

Let me also mention the legitimate concern of some that women could be pressured into violent relationships. In this bill we have added many provisions to assure that domestic violence and child abuse are prevented and that referrals are made to local services to help families in which violence is occurring.

But we must in good conscience build on the important fact discovered through welfare reform. Because of its paternity determination requirements, we now know that 80 percent of the adults having out-of-wedlock children are serious about their relationship and believe it will be lasting.

Yet, after 2 years, most fathers are out of the picture. This bill will help many poor young men and women, more than half of whom live together when the child is born, and as I said, 80 percent of whom say they hope to form a lasting relationship, to fulfill that dream through education and support.

Young people with low incomes often live in dangerous communities, lack economic security, and have few role models to help them form stable, lasting marriages. These young couples face long odds. This bill will help them work toward marriage, work toward becoming better parents, and work toward economic advancement.

We will now provide the same help in getting a job to the fathers of children on welfare as we do to mothers on welfare. In other areas we will provide some of the education that has so helped women to their male partners. It is just common sense.

This bill will move us a dramatic step forward in helping our poorest young people help themselves by making sure that child support money stays in the family. This will help young mothers to avoid or get off welfare, and bring young fathers and their children closer together.

The fatherhood provisions of this bill promote more responsible behavior by fathers, including marriage, better parenting, and work. Through the fatherhood demonstration grants and the child support distribution reforms, we will bring our Nation a giant step forward on the path to building strong families and helping our poorest young people realize their dreams.

Again, I thank my colleagues on the committee for their support and hard work on this issue and I look forward to continuing our efforts to build stronger families.

Chairman HERGER. Thank you, Mrs. Johnson, again, for all the work that you have put into this and your leadership.

Now we will hear from Mr. Cox for testimony.

STATEMENT OF THE HON. CHRISTOPHER COX, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. COX. Thank you very much, Mr. Chairman, Mr. Cardin, and Chairwoman Johnson as well for all of your leadership on these issues.

I am trying to speak loudly enough so I do not need a microphone, but I think it would be helpful for the record if I use it.

I wanted to thank the Chairman, Mr. Cardin, and Chairwoman Johnson for all of your leadership on these issues this year and in years prior.

I am here to speak about the Child Support Enforcement Act. As we are considering ways to improve the well-being of kids who are often short-changed because fathers are absent and because child support payments are not made, we have to come face to face with some statistics. A staggering 93 percent of child support is in arrears. It is the norm for child support not to be paid or not to be paid on time, and oftentimes, as with other receivables, the older the obligation gets, the longer it is not paid, the more likely it is it will never be paid at all. Mountains of past-due child support will simply never be paid at all.

What then happens to the custodial parent, often the mother, sometimes the father? What happens to the kids when a family court says you are entitled to a substantial amount or at least an adequate amount to pay for clothes, for medical care, for food for these children, for their education in some cases, when they get nothing, when they get absolutely nothing?

Some years ago, Senator Dale Bumpers had an idea, and I found it to be an especially attractive idea and adopted it myself and it is the basis for this legislation. It is that in the same way that the Tax Code gives a measure of relief to someone who is owed a debt, but finds that it goes bad, we could give tax relief to custodial par-

ents and to those kids of the child support is owed them, but is not paid. They could, in essence, get a bad-debt deduction.

At the same time, the Tax Code, in a mirror-image provision, provides for the recognition of income for the cancelation of indebtedness. So, in this case, the parent owes child support, but does not pay it, who is in the position of essentially canceling his or her own debt, would recognize cancelation of indebtedness income.

Because of the mirror-image tax treatment, there is no negative revenue effect. Moreover, because statistically the custodial parents are in lower tax brackets on average, there is a modest positive revenue effect from this legislation.

There are questions that one can anticipate with a proposal such as this. They have, in fact, been raised by the Internal Revenue Service (IRS) and by staff of this Committee in past years. I have been working on this for a number of years now, and, in particular, the hearing that Chairwoman Johnson conducted last year was an opportunity to remedy some of these technical issues.

Specifically, in the bill that is now before you, both the recognition of income and the bad debt deduction take place in exactly the same 12-month accounting period, and so there is no problem of a mismatch of revenue and expense from the standpoint of the Treasury.

Second, there are no obligations imposed upon the IRS in connection with this legislation. It is self-reporting, using Form 1099C, a form that already exists for the cancelation of indebtedness. It is, therefore, a simple administrative proposal, but it might well be a powerful relief for parents who do not have the child support that family court judges tell them they ought to have.

The problems that we are talking about here today are serious ones indeed. I wish they did not affect so many people in our country, but they do, and I think that anything we can do to help, we ought to do. This is certainly something that is within our power to do, and I urge your consideration and appreciate very much the interest that you have shown already and in the past.

Thanks.

[The prepared statement of Mr. Cox follows:]

Statement of the Hon. Christopher Cox, a Representative in Congress from the State of California

Introduction

Thank you, Chairman Herger and Mr. Cardin, for holding this hearing today, and for graciously giving me the opportunity to testify on the merits of the Child Support Enforcement Act.

Today, we are here to consider what else may be done to improve the well-being of kids who are shortchanged when child support isn't paid. A staggering 93 percent of child support is in arrears. We have to give delinquent parents a strong financial incentive to pay, and we have to give relief to the custodial parents who aren't getting the help they need to raise their kids.

The Custodial Parent Should Get A 'Bad Debt' Deduction for Unpaid Child Support

Under current law, custodial parents receive no tax relief when the other parent fails to meet his or her legal and moral obligations to pay child support in full and on time.

Our current tax code permits individual tax filers to take a "bad debt" deduction when they are unable to collect a valid monetary obligation. But it does not allow a parent who has been unable to collect legally obligated child support payments to take the same "bad debt" deduction.

The Child Support Enforcement Act will give tax relief to custodial parents by extending the tax code's existing treatment of unpaid debts to expressly include child support payments. Again, this is the same tax treatment already afforded to other bad debts under Section 166 in the Code. It is completely reasonable and logical that we extend the same tax treatment afforded for unpaid rent, for example, to our most precious resource, our children.

The Delinquent Debtor Should Recognize 'Forgiveness of Indebtedness' Income for Unpaid Child Support

Under our current tax code, a parent who has unilaterally failed to fulfill his or her child support obligation is not required to include the defaulted amounts in income to reflect the windfall gain from nonpayment of the debt.

The "forgiveness of indebtedness" provisions of our current tax law require a debtor who receives an economic gain from not paying a debt to count the unpaid amount as taxable income. But it does not provide the same tax treatment if the unpaid debt is child support. A delinquent debtor who enriches himself by failing to make child support payments is not taxed on the money that he has wrongfully appropriated to himself.

The Child Support Enforcement Act will require a delinquent parent who has failed to pay child support to be taxed on that amount, just as a debtor would be taxed under Section 108 of the Code. Since the parent who fails to pay child support is simply "forgiving" his own debt, he should receive the same tax treatment already applied to any other "forgiven" debt that the borrower doesn't pay.

Even though the Child Support Enforcement Act extends current tax law concerning bad debts to include child support, it in no way provides forgiveness of liability. The parent who owes child support continues to bear the full legal obligation to pay it. The Act simply provides a tax benefit for the custodial parent, and an additional financial incentive for swift payment of child support obligations by the delinquent parent.

Revisions to the Bill

A few revisions have been made to the Child Support Enforcement Act to address technical issues raised by the Committee following last year's hearing:

First, the Child Support Enforcement Act does *not* require an amended return to the Internal Revenue Service if past-due child support is subsequently paid.

Second, there is an exceptionally simple reporting process that does not burden or even involve the IRS. Both the bad debt deduction for the custodial parent, and the recognition of income from forgiveness of indebtedness for the delinquent parent, would occur in the same taxable year. The custodial parent who is planning to take the bad debt deduction would file a form that already exists, the 1099–C "Cancellation of Debt" form, with the IRS. A copy would be sent to the delinquent debtor.

Third, there is no additional power granted to the IRS. In my view, that is not necessary. In fact, IRS involvement through the Child Support Enforcement Act would be far less than current IRS involvement with the 18-year-old Federal Refund Tax Offset Program because the IRS is not required to distribute past-due child support to custodial parents. Taxpayers will simply report child support bad debt and claim the deduction on their returns (or take it into income), as they currently do for any other unpaid debt.

Budget Impact

Because both the income from cancellation of indebtedness and the deduction for bad debt are mirror images, there is no negative revenue effect. Moreover, because statistically parents who owe child support are in higher tax brackets than the custodial parents, the Act produces a modest revenue gain.

Conclusion

The Child Support Enforcement Act complements state-level enforcement mechanisms currently in place, by creating tax equity where none exists. It also encourages the continued reporting and development of databases to better track child support obligations.

We should not allow delinquent parents to avoid their legal obligations—and we should not punish the custodial parents who are forced to make ends meet without the assistance of child support payments.

The Child Support Enforcement Act will help redress these injustices. I commend the Chairman, Ranking Member, and the Members of this Committee for their interest and support, and I look forward to working with you to produce legislation that can be signed into law this year.

Chairman HERGER. Thank you very much, Mr. Cox, for your testimony and appearing before our Committee. Now we are delighted to hear from Mr. Castle of Delaware. Mr. Castle.

STATEMENT OF THE HON. MICHAEL N. CASTLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF DELAWARE

Mr. CASTLE. Thank you, Chairman Herger and Ranking Member Cardin, Mr. Watkins, and Mr. Camp.

I am also pleased to be here, and I want to thank you for giving me as well as others who are going to be testifying today the opportunity to testify on the extremely important subject of the child support enforcement in this country.

It is a fundamental principle that parents who bring a child into this world are both responsible for providing that child's physical needs, regardless of any conflicts in their relationship. It is rewarding for me to join you here today to discuss how we can improve the laws of this country to enforce that principle.

I want to take a few minutes to discuss the Child Support Fairness and Federal Tax Refund Interception Act of 2001. Recently, I introduced this bill to remove a legal barrier that is preventing the Federal Tax Refund Offset program for more effectively ensuring that child support is paid to all those entitled to it.

As you know, under current law, the Federal tax refunds to parents who owe back child support can be intercepted and used to reduce that debt. After garnishing wages, this program is the most effective means of recovering back child support that accounts for approximately one-quarter of all back child support collections.

However, unlike garnishing wages and many other child support enforcement tools, eligibility for this program is restricted by the age of the child. Eligibility for the program is limited to cases where the child is still a minor, the parent is receiving public assistance, or the child is a disabled adult. This fails to protect nondisabled college-aged children and their custodial parents even if the child support deficit accrued while the child was a minor. The unintended effect of the program is that it rewards noncustodial parents who are successful in avoiding their child support obligations while their children are still minors, and, believe me, many do that. The age limit removes the threat of one of the most effective child support enforcement tools, the Tax Refund Intercept. That is what my legislation would correct.

I think we should just ask ourselves whether there is any good reason why we should allow delinquent parents to collect Federal tax refunds to use for their enjoyment while custodial parents struggle to recover from years of raising their children alone on one income.

I hope Congress will alleviate the tremendous burden on single parents who have to work even harder to provide for their children. Artificial barriers such as the age limit on the Federal Tax Refund Offset program should be torn down. A non-custodial parent should not be able to escape their child support responsibilities by playing a waiting game until their child is 18. The Federal Tax Refund Off-

set program is responsible for retrieving approximately a quarter of all back child support collections, and the time has come to make it a greater success by helping all children and custodial parents by removing the age limits.

I urge my colleagues to support this legislation. I thank you, Chairman Herger.

I have actually approached the Chairman of the Ways and Means Committee on this. I believe this is excellent legislation. I introduced it last year. We were unable to get it through, but I think it is so good that if we put it on the suspension calendar for the Tuesday that we come back and you are able to get this done, I can see your colleagues raising you on their shoulders and carrying you out of the chambers. That may be a bit of an exaggeration, but, nonetheless, I think it is good legislation, and I hope it would help a lot of people. Hopefully, we can move forward with it.

Thank you for the opportunity to be here.

[The prepared statement of Mr. Castle follows:]

Statement of the Hon. Michael N. Castle, a Representative in Congress from the State of Delaware

Chairman Herger, Ranking Member Cardin, Members of the Subcommittee, I want to thank you for giving me this opportunity to testify on the important subject of child support enforcement.

It is a fundamental principle that parents who bring a child into this world are both responsible for providing for that child's physical needs, regardless of any conflicts in their relationship. It is rewarding for me to join you here today to discuss how we can improve the laws of this country to enforce that principle.

I want to take a few moments to discuss the "Child Support Fairness and Federal Tax Refund Interception Act of 2001." Recently, I introduced this bill to remove a legal barrier that is preventing the Federal Tax Refund Offset program from more effectively ensuring that child support is paid to all those entitled to it.

As you know, under current law, the Federal tax refunds of parents who owe back child support can be intercepted and used to reduce that debt. After garnishing wages, this program is the most effective means of recovering back child support. It accounts for approximately one-quarter of all back child support collections.

However, unlike garnishing wages and many other child support enforcement tools, eligibility for this program is restricted by the age of the child. Eligibility for the program is limited to cases where the child is still a minor, the parent is receiving public assistance or the child is a disabled adult. This fails to protect non-disabled, college-age children and their custodial parents, even if the child support deficit accrued while the child was a minor. The unintended effect of the program is that it rewards non-custodial parents who are successful in avoiding their child support obligations while their children are minors. The age limit removes the threat of one of the most effective child support enforcement tools—the Tax Refund Intercept.

I think we should just ask ourselves whether there is any good reason why we should allow delinquent parents to collect Federal tax refunds to use for their enjoyment, while custodial parents struggle to recover from years of raising their children alone on one income.

I hope Congress will alleviate the tremendous burden on single parents who have to work even harder to provide for their children. Artificial barriers such as the age limit on the Federal Tax Refund Offset program, should be torn down. A non-custodial parent should not be able to escape their child support responsibilities by playing a waiting game until their child is eighteen. The Federal Tax Refund Offset program is responsible for retrieving approximately one-quarter of all back child support collections. The time has come to make it a greater success by helping all children who deserve support. I urge my colleagues to support this legislation.

Thank you, Chairman Herger, for your commitment to this important issue. I look forward to working with you to move this bill to the full house in the near future.

Chairman HERGER. Thank you very much, Mr. Castle. Mr. Watkins to inquire.

Mr. WATKINS. Let me say to the panel that I have the greatest and deepest respect for all three of you in the different directions you are coming from, but maybe I am raised in the old school of the situation where no one is talking about young men accepting some responsibility.

If we do not tell them they have got a responsibility to fulfill their obligations, if people just feel like there is—80 percent of them feel like they were in some kind of serious relationship, what do we—if it is a court order they are supposed to be fulfilling in their child support payments, what is the responsibility they have from that court order? Is it anything at all that they——

Mrs. JOHNSON of Connecticut. A lot of these——

Mr. WATKINS. What is their penalty if they do not abide by it? Is there any penalty for them not abiding by the court order saying you make the payments to that young lady? I think there should be a responsibility on that young man to make those payments. If not, he maybe should go to jail.

Now, I think somewhere there has got to be a responsibility. I do not know—I know the gentlelady from Connecticut, she knows I had a little bit of difficulty with it last year, but where are we missing that situation?

I know my friend from Delaware, you have been the leader of a State and you have probably seen it from several different angles than my colleague from California, but I think we need to put some teeth into saying you abide by that court order, male or female.

Mr. COX. Mr. Chairman, if I might.

I think you make an excellent point, and in the Child Support Enforcement Act, which I have just described, if the person who owes child support fails to pay it, then he or she is required to take the amount that he or she was supposed to pay into income, and if that person was, let us say, in the 30-percent income tax bracket, that means that there is a 30-percent penalty that is owed for not paying child support for a full year. That is exactly the kind of thing you are talking about, I believe.

Mr. WATKINS. That is at least a step in the direction of saying you have a responsibility because I think too many times, we have said to people you can go out and have a fling and all these kind of things, and they think that is serious—not out one night, but it is not. They waltz away without paying anything, and I think they need to try to be responsible. I think we need to at least step there first and say what do we put the teeth of responsibility in if you——

Mrs. JOHNSON of Connecticut. If I may comment. I agree with you absolutely. In the end, this is about personal responsibility. Do not bring children into the world unless you are going to be responsible for them, but remember we have had out there for many, many years before 1994 when we reformed welfare a system that said it is all right to have kids out of wedlock, do not worry, the government will support you. So we have a system out there now since welfare reform that says to the young mother, "Hey, wait a

minute. Let's look at what job you are capable of," and so on and so forth.

But we do not set the father down, even though we require a paternity determination. We do not set the father down and say, "OK, you have just had the baby. This is what you are going to owe. This is how it is going to accumulate if you do not do it. This is how you manage money. Let us help you get into the work force." We do not give them any of the support services, and they are mostly unemployed or have a very poor work history. We do not give them the job placement support services. We do not give them the career counseling, the budget management, the parenting courses to help them bond into this situation that they have helped create that is so important to this child. So I want to help them take their responsibility.

Now, this arrearages issue should not be an issue if we help people take their responsibility from the beginning. The arrearage issue really comes from the fact that for years, we did not. So now you have a lot of gentlemen who would like to be active parents of their children who have this history of debt that they often were not even aware they were building up. They thought the mother was on welfare. She was on welfare. They did not understand that they were liable for all that.

So I am not saying forgive arrearages. I want our States to begin thinking about as people get into the work force and we help them—some of these guys have $40,000 debt, $30,000 debt. They are never going to make more than $8 an hour. You cannot repay that debt. Do you want them to be paying Social Security and get into Medicare?

Mr. WATKINS. A lot of college students have a lot bigger debt than that. Nancy, there is a lot of college students that have a lot more debt than that, and they have the responsibility——

Mrs. JOHNSON of Connecticut. At least they have a college degree.

Mr. WATKINS. But I am willing to work with you on it very closely to see if we have got those areas of responsibility worked out because I know that there are differences. We are dealing with a variable here of human beings, but I think somewhere, we have got to have that step of responsibility.

Mrs. JOHNSON of Connecticut. I think your point is very well taken.

Mr. WATKINS. And I think these others can come in place, also, but I think we have got to make sure they understand that, just like working and raising children.

Mrs. JOHNSON of Connecticut. And we did in our bill really only provide a preference for demonstration projects that attacks this problem because we know so little about how to solve it, for just the reasons you point to. Thanks.

Chairman HERGER. The gentleman's time has expired. Mr. Cardin to inquire.

Mr. CARDIN. Thank you, Mr. Chair.

Let me associate myself with the response by Mrs. Johnson. It is clear we could do a better job in child support collection. I think we all agree on that, and we do not want to condone any parent not paying their obligations, but what I think we should acknowl-

edge are some of the positive steps that Congresses have taken, the last past Congresses have taken, to make it easier.

We have the suspension of our licenses that is now a requirement. We have the trade licenses. We have the wage lien laws. Last time I checked my State of Maryland, people are going to jail for not paying child support. We have criminal laws and civil contempts on this around the Nation.

So the point about whether we should be more stringent in the use of those penalties really rests with our States, and I agree with Mrs. Johnson. Sometimes you need to look at the practical circumstances in which a family is in, and that is why I really applaud the legislation that is before this Committee because I think it is well balanced.

We are trying to get the noncustodial parent engaged in the emotional part of the family, which we think will encourage a family unit and the payment of child support obligations, and that is part of our bill.

We also believe that on the arrearages that the money can go to the family. It is much more likely that the payments will be made.

Right now, why wouldn't you look for a way of escaping your obligations if the money is going to the government? If it is going to your child, it is much more likely you are going to be more interested in making the payments real. So I think the bill is very well balanced.

Mr. Castle, I just might point out that I am not sure we would carry Mr. Herger out on his shoulders, but I think the other body would. Our problem, I think, is with the Senate. It is not with the House on this legislation. As you know, you might want to talk to Chairman Thomas about it, but he is always leery about sending a tax bill over to the Senate as non-controversial as it may be because, as you know, tax bills only can originate in the House, and the Senate has a habit of taking a very nice non-controversial bill and making it very controversial.

Mr. Cox, I just want to applaud you for the improvement in the legislation, but I just would urge as we look at this bill that you be prepared how to address the problem of how the IRS would reconcile a dispute between the custodial and noncustodial parent as to how much is owed. As I understand your bill now, the custodial parent would send a 1099 form, and if the noncustodial parent disagreed with that, I would be curious as to how the IRS would reconcile that dispute.

You do not need to answer now, but it is one of the issues that I think we would want some attention paid.

Mr. COX. I will undertake to give you a more elaborate answer, but on the face of it, because it is self-implementing, self-administrating, both parents can file a 1099C, redesigned perhaps only slightly for the purpose, and they are responsible for their own tax returns.

Mr. CARDIN. But if there is a difference between what the custodial parent files and the noncustodial parent, the IRS would be in a very difficult position to determine who is correct in that.

Mr. COX. Yes. In fact, one of the reasons that we have these information returns and 1099's and so on is to know when to trigger an audit. It is some evidence that somebody is cheating.

Mr. CARDIN. Thank you. Thank you, Mr. Chairman.

Chairman HERGER. Thank you, Mr. Cardin. Mr. Camp, the gentleman from Michigan, to inquire.

Mr. CAMP. Thank you, Mr. Chairman. Congresswoman Johnson, could you tell us a bit about the pro-marriage features of the fatherhood portion of your legislation, please?

Mrs. JOHNSON of Connecticut. Yes. They are very important. In the hearing that we had and this Subcommittee held on promoting marriage, it is very, very important. Too many of these young people are growing up in neighborhoods where there is no example at all of a married couple. So they do not have any opportunity to learn what are the advantages for them and for the child of marriage, and so we do give preference to those projects that have in them some effort to educate people about marriage because, if we do not do this, it is almost as egregious a policy error as it was to pay people not to work.

Welfare was really a terrible system because it paid people not to work, and in life, if you do not work, you do not know who you are and you are not part of the real world, unless you are disabled. We understand that some people cannot work.

In the same way, to not educate young people about marriage when they have no opportunity to learn from their environment is to ignore the enormous amount of research that has been done that demonstrates that children do much better. They do better in school. They do better emotionally. They have a brighter future if they are part of a married unit. It is really astounding that we have utterly ignored what is now a very significant body of research that children need both parents, and they do, do better in marriage.

Mr. CAMP. Thank you very much.

I want to thank all of you for your testimony as well, and thank the Chairman.

Chairman HERGER. Thank you very much, Mr. Camp.

I want to thank each of our witnesses for your outstanding testimony, and with that, I would at this point like to call on our second panel to come forward, please.

I would also like to insert at this point in the record the statement of Frank Fuentes, acting deputy commissioner of the Office of Child Support Enforcement, who is not able to be here today to testify on behalf of the U.S. Department of Health and Human Services, without objection.

[The following was subsequently received:]

Statement of Frank Fuentes, Acting Deputy Commissioner, Office of Child Support Enforcement Administration for Children and Families, U.S. Department of Health and Human Services

Mr. Chairman and distinguished Members of the Subcommittee, thank you for giving me the opportunity to submit testimony for the record on the Child Support Enforcement program. I am Frank Fuentes, the Acting Commissioner of the Office of Child Support Enforcement. The Child Support Enforcement program is a very successful Federal/State partnership effort aimed at fostering family responsibility and promoting self-sufficiency by encouraging that both parents support children financially and emotionally.

To accomplish this goal, we work in partnership with States in providing four major services: locating noncustodial parents, establishing paternity, establishing child support obligations, and enforcing child support orders. Welfare reform made dramatic improvements in our ability to achieve these goals and I would like to take

this opportunity to share with you the promising results we are witnessing. I would also like to share some of the activities the Administration is undertaking to strengthen fatherhood since I know this is of particular interest to the Subcommittee.

Child Support Enforcement Program Record

Through enactment of the Personal Responsibility and Work Opportunity Reconciliation Act 1996 (PRWORA), unprecedented tools have been provided to the child support enforcement program. These tools are already having a dramatic impact in securing for many of our Nation's children the emotional and financial support that they need. In FY 2000, a record $17.9 billion in child support was collected. This represents an increase of 50 percent since FY 1996. We now are collecting support on behalf of almost 68 percent of the caseload where an order has been established.

PRWORA provided tough child support enforcement techniques and new automated collection methods. For example, the law expanded wage garnishment, authorized States to suspend or revoke driver and professional licenses for parents who are delinquent, and provided for passport denial for parents who were at least $5,000 delinquent in support.

In addition, the law established a Federal Case Registry and National Directory of New Hires to track delinquent parents across State lines. It also required that employers report all new hires to State agencies for transmittal to the national directory and to match records with financial institutions so that States may place a lien on the accounts of delinquent parents.

Using the expanded Federal Parent Locator Service we were able to provide States information on three million interstate cases, and using the Passport Denial Program, we have collected over $7 million in lump sum child support payments in the last year. To date, more than 4,200 financial institutions have agreed to participate in data matching for child support and nearly 700,000 individuals delinquent in their child support have been matched with their accounts. The value of those accounts is nearly $2.5 billion. Further, the Federal Tax Refund and Administrative Offset programs collected about $1.4 billion in calendar year 2000.

The record is similar with respect to paternity establishment. The number of paternities established or acknowledged reached a record of 1.6 million in FY 2000. This represents an increase of 46 percent since FY 1996. Of these, over 688,000 paternities were established through in-hospital acknowledgement programs. An additional 867,000 paternities were established through the Child Support Enforcement program. In addition to being the first step in collecting child support, paternity establishment engages fathers in the lives of their children, creating the emotional bonds and security that are crucial to their children's health and well-being.

PRWORA streamlined the legal process for paternity establishment, making the process easier and faster. It also expanded the voluntary in-hospital process for paternity establishment started in 1993 and required a State affidavit for voluntary paternity acknowledgment. In addition, the law mandated that States publicize the availability and encourage the use of the voluntary paternity establishment process.

We are excited about the dramatic results these changes are generating and are convinced that the future of child support enforcement will continue on this successful path. Critical to these efforts, though, is a new and determined focus on the fathers.

Strengthening Fatherhood

I would like to turn to the administration's efforts to strengthen fatherhood—what we view as a critical complement to our enforcement efforts if we are to succeed in accomplishing our basic mission of increasing both financial and emotional support for our Nation's children.

The Office of Child Support Enforcement has worked to strengthen the role of fathers in families. For example, we have funded eight child support enforcement responsible fatherhood demonstration projects that will help bolster fathers' financial and emotional involvement with their children. Each project is different, although they all provide a range of services to aid in collecting child support, such as job training, access and visitation, and social services.

The Office of Child Support Enforcement has provided over $1.5 million to the National Center for Strategic Nonprofit Planning and Community Leadership (NPCL) to work with grassroots fathers' organizations to help unemployed and underemployed fathers become responsible parents. In addition, we have approved ten State waivers supporting the Partners for Fragile Families, a set of projects to test ways for child support enforcement programs and community and faith-based organizations to work together to improve the opportunities of young, unmarried fathers

to support their children both financially and emotionally. Further, PRWORA created a $10 million access and visitation program for States, serving more than 22,000 individuals in 1997 and an estimated 50,000 in 1998.

Most recently, President Bush and Secretary Thompson's clear commitment to promoting involved, committed and responsible fatherhood as a national priority was emphasized in the FY 2002 budget request. One of the many goals of the Administration's FY 2002 proposal is to provide $64 million for the first year to support low-income families by helping low-income noncustodial parents (mainly fathers) support their children by paying child support and connecting or reconnecting with their children.

This initiative shares many of the same goals as the fatherhood legislation supported by this Subcommittee. We commend Representatives Johnson and Cardin and the Subcommittee for your leadership in focusing attention on responsible fatherhood and we look forward to working with you on this critical area of mutual commitment. As the President recently said at the Fourth National Summit on Fatherhood, "For our children, and for our Nation, nothing is more important than the national fatherhood initiative."

Conclusion

In closing, let me say that it is only through our partnership with the Congress and the States that we have been so successful in strengthening the Child Support Enforcement program. The many new tools provided by the Personal Responsibility and Work Opportunity Reconciliation Act are helping to improve the lives of our Nation's children. We can improve on existing efforts by focusing more attention on strengthening our commitment to fatherhood, and we look forward to working with you on this important legislation.

Thank you. I would be pleased to answer your questions for the record.

Chairman HERGER. On the second panel this afternoon, we will be hearing from Mr. Nathaniel Young, Jr., director of the Virginia Division of Child Support Enforcement, and president of the National Council of Child Support Directors; Dr. Jeffery Johnson, president and chief executive officer of the National Center of Strategic Nonprofit Planning and Community Leadership (NPCL), accompanied by Mr. Raymond Byrd; Dr. Ron Haskins, senior fellow in governmental Studies at The Brookings Institution and senior consultant at the Annie E. Casey Foundation; Dr. Elaine Sorensen, principal research associate at The Urban Institute; and, finally, Joan Entmacher, vice president and director of Family Economic Security at the National Women's Law Center.

With that, Mr. Young to testify, please.

STATEMENT OF NATHANIEL L. YOUNG, JR., DIRECTOR, VIRGINIA DEPARTMENT OF SOCIAL SERVICES' DIVISION OF CHILD SUPPORT ENFORCEMENT, RICHMOND, VIRGINIA; PRESIDENT, NATIONAL COUNCIL OF CHILD SUPPORT DIRECTORS; BOARD MEMBER, NATIONAL CHILD SUPPORT ENFORCEMENT ASSOCIATION; AND BOARD MEMBER, EASTERN REGIONAL INTERSTATE CHILD SUPPORT ASSOCIATION

Mr. YOUNG. Yes, sir. My name is Nick Young, and I am the director of Child Support Enforcement for the Commonwealth of Virginia, and I am also the president of the National Council of Child Support Directors, the 54 child support directors of the Nation. I appreciate being here today. Thank you very much.

I looked at a calendar and saw that our birthday, the Nation's birthday, is next Wednesday, 225 years. Then I saw it took us 199 years to pass the Social Security Act in 1975 to where we realized that this was as a problem that we needed to address.

Then, in the ensuing 25 years that we have been doing child support, as is in the statement that you just entered from Mr. Fuentes, we have collected $100 billion through good hard work of the child support program and through the laws and the tools that you have given us, and we are very appreciative of that.

I would like to mention that the $18 billion that was collected last year shows the significant improvement that has been made. If you tried to break the $100 billion by 25 years and then looked at 1 year that you got $18 billion, it is getting better.

While you are precisely correct that the average may be 37 percent, some States do better than that. Some do worse. All in all, though, we are very proud of the $18 billion, and we do appreciate the tools you have given us. I think we have demonstrated that we have used them responsibly, not necessarily to deliver child support services, truly at the end of a billy club, but try to bring the personal responsibility into the picture here by working with a number of the people that are here at the table as well as the other groups.

I have two or three things to recommend. My testimony has some examples from each of your States, from many of the States, anyway, and I will let that stand for itself.

One of the things that we would encourage you to do is to literally stay the course. Remember that this is not a speed sport, that it is behavior modification. It is difficult. As Representative Johnson just spoke and the others as well very eloquently, we are trying to fix a long-term problem, and we are trying to do it in a fairly short period of time, and it is behavior modification, not always out-of-wedlock births, which in my particular State make up 70 percent of the caseload. While 30 percent of the out-of-wedlock births occur every year, they cumulatively make up 70 percent of the caseload. I submit to you that that is the problem we have to fix before we try to fix the outcome which is getting the child support paid.

We support the simplification of distribution. It is far too complex. Most of us cannot understand it. We cannot explain it. We can eventually program it into logic, but we could not explain it if we had to.

I would only ask you to look at how the child support program is funded concurrently with your desires to fix distribution. You may be fixing distribution, but you could break the way that a State delivers the child support services, depending on whether or not they had retained earnings or whether or not they totally general-fund a child support program, and about half the States used retained earnings. We think that they are inextricably intertwined; that you have got to look at them simultaneously.

We would also encourage you to look at removing the cap on the incentive pool. Clearly, we believe that pay for performance is the way to go. We incentivize most of our child support workers on how well they do. Currently, with the incentive cap, somebody has to lose because it is a fixed amount of money. So, if Virginia does very well, perhaps Maryland or some other State will be disadvantaged, and we do not think that is a good way to do it. We would ask you to examine that and to consider removing the cap.

One other issue that is problematic is the penalties. The penalties were enacted for a very good reason, to get people's attention, primarily not the Title IV–D of the Social Security Act (IV–D) director, the child support director, but beyond that in the State legislatures.

We are convinced as an association that the penalties have done their job, and they have gotten people's attention. I would ask you to look at some reinvestment options in amending the law some States face up to, including $152 million in penalties. That will certainly get your attention because that is twice as much as most programs even spend. We would only ask that there are some ways to allow reinvestment and to encourage reinvestment instead of just having the penalty stand alone by itself.

Last, the IV–D directors, the child support directors clearly understand the need for more fatherhood initiatives. Access and visitation is a wonderful program. It has brought people together that were not talking, both government as well as within the family structure. We realize there are a number of these people that are dead'broke, not necessarily deadbeat.

We are willing to work with any of the programs on fatherhood, and we will appreciate any of the initiatives that are coming out. And some of the ladies and gentlemen who are with me can speak far more eloquently on that.

Thank you very much, sir.

[The prepared statement of Mr. Young follows:]

Statement of Nathaniel L. Young, Jr., Director, Virginia Department of Social Services' Division of Child Support Enforcement, Richmond Virginia; President, National Council of Child Support Directors; Board Member, National Child Support Enforcement Association; and Board Member, Eastern Regional Interstate Child Support Association

Good afternoon Mister Chairman and Members of the Subcommittee. My name is Nick Young, and I am the Director of the Virginia Department of Social Services' Division of Child Support Enforcement. I am also a Board Member of the National Child Support Enforcement Association (NCSEA) and the Eastern Regional Interstate Child Support Association (ERICSA), as well as President of the National Council of Child Support Directors (NCCSD). I am here today in my dual capacity as Virginia's Child Support Director and as President of NCCSD.

The subject before you today is "Child Support and Fatherhood Proposals." I am here today to share with you the numerous accomplishments that states have made against the backdrop of the progressive laws and systems Congress has worked so hard to put in place.

First, permit me to share a couple of telling statistics about Virginia's Child Support Enforcement Program: Our caseload today is 394,000, representing approximately 558,000 children—25 percent of Virginia' child population. Though Virginia is recognized as having a very efficient program, it is unfortunately the case that we carry a $1.8 billion cumulative arrearage, an amount that is growing by $200 million a year. During the past five years, our caseload has grown by 10 percent. Our collections have increased by an average of 13 percent per year for a total of 75 percent increase during the past five years. We are one of the states that can conduct our business both administratively and through the courts. As a result, approximately 70 percent of our cases are managed administratively, which saves a great deal of time, paperwork and money. Our work is also accurate and our data reliable; we have a very low rate of appeals of our administrative decisions. Virginia was one of the first two states in the nation to receive in early 1996 full federal certification of its automated case management system under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Just last month, we again received the welcome news of federal PRWORA certification of our automated system. Currently, six states in the Nation share this achievement: Iowa, Nevada, New Mexico, Maryland, Washington, and Virginia.

Automation, in conjunction with the powerful tools at our disposal under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), is what will catapult states toward the vision that Congress holds for the Nation's Child Support Enforcement Program. Just last week, Virginia's new interactive web application was inaugurated. The rollout of this technological innovation makes Texas and Virginia the first states in the Nation to have designed and implemented a web-based customer services application that will give customers yet another way in which to access their updated payment and case information. Other states are not far behind in similarly using technology to bring more government services to customers.

There is lots of good news in Virginia,

- During the past five years, Virginia's child support Enforcement Program has increased its support collections by 75 percent.
- The Division of Child Support Enforcement collected $347 million in State Fiscal Year 99 and $391 million in State Fiscal Year 00, an increase of 12.7 percent, and will collect $440 million this fiscal year.
- In addition to our new interactive web application, Virginia designed and implemented an interactive voice response system that improves communication with and services to all child support customers. Through the latter, Virginia fields over eight million customer calls each year with 70 customer services staff statewide.
- Since July 1998, we have offered customers the use of direct deposit to expedite payment and receipt of their child support. To date, 38,134 customers have taken advantage of this tool. Customers are signing up for this service at a rate of 1,000 per month.
- Virginia's pioneering New Hire Reporting Program began before the national program under PRWORA and has resulted in over $60 million in child support that otherwise would not have been collected. Using matches from New Hires, Virginia is automatically generating income withholding notices, which saves countless hours in staff time.
- Our ongoing KidsFirst Campaign, which sprung from a one-time limited Gubernatorial amnesty program offered to 57,000 of the most egregious support evaders in 1997, has collected over $150 million for children owed past due child support. As important as collecting financial support, KidsFirst has heightened and sensitized public awareness to the plight of children owed child support. The Campaign encourages both parents to assume financial support of their children and increases the likelihood that children will grow up with a sense of financial security, and a respect for personal responsibility—both hallmarks of the Nation's Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). An added bonus has been enhanced rapport with the law enforcement community and the judiciary.
- Increased emphasis on the inclusion and enforcement of medical support as an intrinsic ingredient of child financial support.
- Recently, Virginia was cited by the National Center for Children in Poverty as one of only four states in the nation showing significant progress in the area of fatherhood program promotion.
- More than 70 community-based fatherhood initiatives are currently underway in Virginia. These community-based groups focus on a variety of areas including new and expecting fathers, young fathers, incarcerated fathers, fathers of children with special health care needs, visitation and medication, mentorship and school involvement. Over 250 new community leaders are trained each year on how to provide effective services to men in being better emotional and financial providers for their children.
- Judicious use of the tool of suspending or denying driver permits of egregiously-delinquent NCPs, with the primary intent being to motivate them to pay what they owe to avoid loss of their permits. Since 1995, when this program was initiated, only 2,900 NCPs have undergone action to suspend their permits, while approximately $100 million in delinquent financial and medical support as a result of this potent initiative has been collected attributable to the "threat."
- Virginia has fully implemented the revocation of both occupational and recreational licenses, as well as the denial of passports to delinquent parents.
- Virginia's Paternity Establishment Program (PEP) is a model of collaboration and cooperation. Established in 1990, PEP grew under welfare reform into an effective program that gives unmarried parents the opportunity to voluntarily acknowledge paternity in the hospital, before the child goes home. Currently, 68 hospitals are participating statewide, generating 13,000 paternities per year.
- Virginia returned $5.41 in collections for every dollar spent in State Fiscal Year 00.

- Virginia was the first state in the Nation in 1998 to begin booting vehicles as a technique for gaining the attention of recalcitrant delinquent noncustodial parents. This initiative, which began in one locality in 1998, was expanded statewide in December 1999. To date, over $420,000 has been collected from 79 bootings under this initiative. Furthermore, Virginia's successful booting initiative is cited as a model by federal authorities and has been included in federal law.

Virginia's accomplishments are but a sample of the innumerable successes that the fifty states and four territories have achieved. Among these achievements are:

- Arizona, Georgia, and many other states are using access and visitation programs to reconnect fathers with their children and to address the root causes of nonsupport. They are developing partnerships with hospitals to increase paternity establishments and with workforce development programs and community-based organizations to address a wide range of barriers faced by many fathers in getting a job.
- California has completely restructured its child support program to achieve greater accountability and facilitate a sound approach for an automated statewide system. The state has increased program spending by 17 percent during the past two years to underscore its commitment to the child support program. Despite automation penalties, California's collections will exceed $2 billion this year, a 12 percent increase over the past year.
- Connecticut's Legislature passed historic child support legislation during 2001 that mandates regulation of private child support collection agencies. The practices of some private child support collection agencies tend to deprive custodial parents and their children of monies that should come to them—often enriching the collection agencies on the basis of collections in which they had no role. This bill includes private child support collection agencies in the state's existing Fair Debt Collection Act that regulates consumer collection agencies and gives the Banking Department authority to license and regulate them. The bill prohibits private child support collection agencies from deducting a fee from any child support payments collected through the efforts of a governmental agency. In addition, it limits the imposition of a fee for the collection of any child support overdue at the time of the contract to twenty-five per cent or less of overdue support actually collected.

  The state of Connecticut was included in a federal grant to participate in a regional process for executing liens and creating a regional "Child Support Lien Network" of delinquent noncustodial parents for the purpose of intercepting insurance proceeds. This project has demonstrated significant potential as a new child support collection tool. Connecticut has already collected over $200,000 through this program in less than one year.
- Florida expects to collect over three-quarters of a billion dollars this year—over a 90% increase in collections over the last 6 years. These increases are expected to increase significantly through initiatives such as the phase-in of a new automated system, which allows each business process to be re-engineered and leverage state-of-the-art technology; piloting an administrative support order establishment process; and dedicating resources to reduce undistributed collections.
- Michigan has an innovative NCP work referral program to its "Michigan Works" agency. The Child Support Program pays none of the costs. NCP's referred to the program either go directly to work or they get education or skills training. Clearly, employing the idea that anyone can be referred regardless of funding source is an important change in the way services are funded.
- Oregon's child support program is co-located with the Department of Human Services, enabling the program to maintain its close linkage with the TANF and other programs aimed at helping families and children to attain and maintain self-sufficiency. For delivery of IV–D program services, the IV–D office contracts with the Oregon Department of Justice and with county district attorneys the legal arena to collect child support. This partnership structure has worked well, in allowing the Oregon IV–D program to maintain its close linkage with social service programs while still being able to take effective action in collecting support for families.
- In New York, where annual collections have doubled since 1994 to over $1.19 billion in 2000, the State initiated automatic cost of living increases in child support orders, to keep pace with inflation and allow families to stay off welfare.
- The North Carolina Child Support Program has created five special teams beginning to assist local child support offices in improving casework results. These teams are proving successful and more money is being collected than ever be-

fore in North Carolina's CSE program. North Carolina's collections for children have increased by 226% since State Fiscal Year 91 and are continuing to grow.

- Texas is wholly invested in a comprehensive customer services strategy that has resulted in a 24 percent increase in the number of customers who indicate satisfaction with the State's child support services. Each night in Texas, 1,600 income withholding orders are automatically issued to employers. In State Fiscal Year 00, Texas collected over a billion dollars for the first time and expects collections to surpass $1.2 billion this year.

The aforementioned highlights are but a few of the myriad successes that states are achieving. Our time together today and the printed testimony do not allow the publicization of the host of activities ongoing in all of our states and territories.

All of the IV–D directors and the federal government are taking a hard look at arrears management in conjunction with fatherhood programs. Connecticut, for example, is enthusiastically addressing this important issue.

You also asked me that I come before you to tell you what Congress could do to help the Nation's Child Support Enforcement Program. Challenges to the Child Support Enforcement Program abound, yet the states are heartened and encouraged by the support Congress has shown the Child Support enforcement Program.

In answer to your invitation to opine what Congress should do to assist states, I would offer that you "stay the course." The enactment of PRWORA has served as the catalyst for the most comprehensive revisions to the nation's Child Support Enforcement Program in its 26-year history and the Nation's Child Support Directors are enthusiastic about building on that landmark legislation and fully employing the powerful tools it provides. Let us continue our progress unimpeded by additional sweeping changes in the program. Such changes will serve only to distract us from our core responsibility of collecting child support and possibly dilute our effectiveness. Comprehensive program changes at a time when many states are still working to fully automate their child support programs to take advantage of new federal tools can compromise their progress.

Recently, the Nation's child support directors formulated a list of priorities. We urge Congress to continue its tremendous level of federal support by focusing on these several important areas. They include:

- Fiscal Issues:
  - Simplifying distribution
  - Restructuring program funding
  - Removing the cap on incentives
  - Federal financial participation for non-IV–D payment processing and bad checks
  - Extending Federal Financial Participation rates at the 80 percent rate for approved child support enforcement systems (CSES) after October 1, 2001
  - Penalties
- Improving Interstate case management
- Medical support
- Private access and confidentiality regulation
- Complete implementation of PRWORA mandates, evaluation, and follow-up changes
- A strategic plan for technology
- Fatherhood initiatives
- Tribal

Prominent among this list are four areas so pivotal to the Child Support Enforcement Program that they warranted official resolutions drafted by the National Council of Child Support Directors. I will enumerate them here, as follows:

1. The resolution on Incentive Caps supports:

   that Congress should amend federal law to eliminate the cap on the child support federal incentive funding because the current incentive structure requires some states to lose in order for others to gain. The cap requires a computation of each state's incentive in comparison to all states after the end of a fiscal year, creating an unstable and unpredictable prospective financial planning environment. It is not a true performance incentive as there is no guarantee that improved performance will result in increased incentive payments.

2. The resolution on the Reinvestment of Federal Automation Penalties supports:

   that Congress should amend the federal legislation that imposes fiscal penalties on states that have failed to implement (1) a statewide child support automated system by October 1, 1997, and (2) PRWORA requirements for certification by October 1, 2000. The amendments should:

   (a) subtract a state's information technology expenditures in the year prior to a year in which the penalty is applied from the dollar amount on which the technology penalty is calculated.

(b) allow for reinvestment by reducing the penalty amount by any additional state general funds invested in the program.

(c) require the Secretary of the Department of Health and Human Services to hold in abeyance any penalty assessed in a fiscal year if the Secretary determines a state to be in compliance with the approved corrective action plan.

3. The resolution on Funding supports:

(a) that OCSE and Congress should provide for full and sustained FFP for all aspects of the Child Support Program at current or enhanced levels. Supports that Congress should ensure the continuation of 90 percent FFP for genetic testing.

(b) that Congress should amend federal law to extend the use of 80 percent FFP to October 1, 2005, for enhancements to automated systems required by PRWORA.

(c) that Congress should provide enhanced FFP to reduce the impact on the states' child support budget when states are required to implement new mandates or make substantial revisions to existing programs.

(d) that Congress provide enhanced 90 percent FFP for medical support activities for a limited 5-year period.

(e) that OCSE and Congress should work with state IV–D Directors to identify methods for ensuring that stable and adequate levels of investment in the program by federal, state and local governments advance the child support program's evolving mission.

4. The resolution on Medical Support supports:

(a) that OCSE should immediately act on the nonlegislative recommendations of the Medical Child Support Working Group.

(b) that OCSE and Congress should consult with state Child Support, state Medicaid and state CHIP programs, and national child support associations to ensure consistent policies related to IV–D medical responsibilities.

(c) that OCSE report to Congress and recommend that a medical support measure not be incorporated into the performance measure system and tied to funding at this time and that the implementation of any medical support performance measure be phased in to allow states to implement the Working Group's recommendations.

(d) the recommendation of a plan for states and the federal government to work together to identify medical support outcomes and to define the work of the IV–D program in achieving those goals.

The last subject, fatherhood initiatives, segues into my final remarks. A few demographics about fatherless children are in order:

- Twenty-four million children live without their biological father
- Children who do not have a relationship with their biological father are shown to be:
  - Five times more likely to live in poverty,
  - Twice as likely to be abused,
  - More likely to bring weapons and drugs into the classroom,
  - Twice as likely to commit crimes,
  - Twice as likely to drop out of school,
  - More likely to commit suicide,
  - Over twice as likely to abuse alcohol or drugs, and
  - More likely to become pregnant as teenagers.
- The number of children living with only their mothers and no father figure grew from just over 5 million in 1960 to over 16.6 million.
- About 40 percent of children who live in fatherless households have not seen their fathers in at least a year.

To address these telling statistics, the President's budget included a Health and Human Services "Blueprint for New Beginnings." This two-pronged approach includes competitive grants to help unemployed or low-income fathers to avoid or leave welfare as well as promote successful parenting and strengthen marriage.

- We support this approach because:
  - It promotes responsible fatherhood and strengthens the role of fathers
  - It is consistent with welfare reform initiatives and promotes competitive grants to faith-based and community organizations that help unemployed or low-income fathers and their families avoid or leave cash welfare
  - Fatherhood programs make child support order and paternity establishment and enforcement easier because fathers are doing the right thing on their own initiative

We recommend supporting the President's initiatives with the caveat that grants to faith-based and community organizations to serve these populations should come

through the states, not be granted directly by the federal government. We take this position because:

- States know their communities and needs best
- States know their providers best
- States already have mechanisms in place for competitive and negotiated grants
- States have mechanisms for successfully administering grants
- Unnecessary taxpayer expense to set up an additional federal operation when states are in the best position to implement the grant program

Thank you.

Chairman HERGER. Thank you, Mr. Young.

Now we will hear from Dr. Johnson, and, Dr. Johnson, I do notice that you are accompanied by Mr. Raymond Byrd. If he would like to join you at the stand, he is welcome to, and perhaps even make a short statement if he would like to.

Thank you. Welcome to our Committee, Mr. Byrd.

STATEMENT OF JEFFERY M. JOHNSON, PH.D., PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL CENTER FOR STRATEGIC NONPROFIT PLANNING AND COMMUNITY LEADERSHIP; ACCOMPANIED BY RAYMOND BYRD, BALTIMORE, MARYLAND

Dr. JOHNSON. Thank you very much, Chairman Herger, Mr. Cardin, and the Committee for inviting me and Mr. Byrd for this opportunity.

I would also add that I have also invited a nationally recognized leader in the fatherhood movement and also the program administrator for the program that Mr. Byrd is a part of, Mr. Joe Jones. I also asked another young father who is improving his life, Mr. Joe Lewis, to join us today in this testimony. Additionally I have asked Ms. Teresa Kaiser who is the director for Child Support for the State of Maryland, to join us today. She has some interesting ideas on arrears management that the Committee might be interested in.

Before I say some things, let me just say, Mr. Chairman, that today is both a good day for me, for this opportunity to talk about fatherhood, but it is also a day of reflection for me because it is also the thirty-sixth anniversary of my own father's death, and that I come to this Committee in reflection of the good things that my father demonstrated to me. I think that those things contributed in many respects to the work that I do, but also how important it is to have fathers in the life of children. I think that is really what this Committee and this work is all about.

With that, let me just say that the work that we do at NPCL is focused on building the capacity of local agencies to strengthen communities and foster family and neighborhood empowerment.

One critical element of family empowerment, particularly in inner cities, is the return of fathers to families. Our current focus is to build the capacity of community-based organizations to provide services to low-income fathers so they can adopt their critical roles as nurturers and economic providers which at a time when society seems to be suffering from numerous breakdowns is good for families and communities, but especially children.

Any policies we develop should not pose additional barriers to low-income dads. So, when this Committee considers child support, Welfare to Work, Temporary Assistance for Needy Families (TANF) commitments and others, do not forget our fragile families. These are young, low-skilled, never-married couples with children. We are talking about dead-broke dads versus deadbeat dads. The difference between deadbeat dads and dead-broke dads is that the former can pay child support, but will not, and the latter are willing to pay child support, but cannot. Deadbeat dads should be punished. Dead-broke dads need support and help.

Any responsible fatherhood proposal should provide for employment, peer support, parenting education, parenting skills development, conflict management, as well as a combination of short-term job acquisition, interim job training, and long-term career development strategies. Child support enforcement proposals should consider different provisions for handling dead-broke dad cases.

For example, orders established for low-income fathers should be based on their ability to pay. This approach has been embraced by child support leaders such as the National Child Support Enforcement Association and has been a topic of NPCL's peer learning college where we bring together child support people to talk about these issues.

Other important strategies include arrears management. Again, I will say that Teresa Kaiser who is here for the State of Maryland has implemented a very innovative program that I think this Committee would be very interested in hearing about.

My more extended written testimony, discusses in detail our Partners For Fragile Families Project which brought to us Mr. Byrd. This is a 10-city initiative that targets young fathers, 16 to 25, and builds upon 40 years of social policy research and experimentation in this area. Each demonstration site seeks to implement community-level partnerships between child support enforcement agencies and local community-based fatherhood programs in an effort to increase the long-term involvement of low-income fathers in the lives of their children.

Eliminating policy and program barriers as well as placement of fathers in jobs that have a wage potential are also key aims of the demonstration, but the foundation of the program, which is consistent with much of the provisions in H.R. 1471, is looking at where a client is and working with that client to bring them up to the point where they can marry, but if they don't marry, make the best decision in the interest of their child.

The basic model includes One on One case management, job placement, peer support. The community should know that peer support has been the most successful element of programs working with fathers over the last 20 years, at least as far as demonstration projects are concerned.

Peer support groups are anchored in this program in what we call the Fatherhood Development Curriculum which is now being used by over 3,000 practitioners nationwide. The curriculum includes a range of topics from life skills to preventing domestic violence. The father development curriculum also includes a focus on family planning with topics such as marriage and team parenting.

In terms of systemic change, we think that efforts should be focused on public-private partnerships, employability, and earnings for fathers. Research seems to suggest that men who are employed and earning are more likely to pay child support and stay in a relationship and often marry the mother of their children.

H.R. 1471, we believe comes closest to providing the scope of policy reforms, we need to strengthen father involvement, as well as a reasonable start on funding. Given the scope of services needed to support a father's role until a dad can support his family, we need a significant public investment.

While conceptually sound, neither the President's proposal nor the Carson proposal is comprehensive enough to really do the work necessary for fathers in fragile families. Child support funding changes that will allow for pass-through payments and new fatherhood demonstrations that are included in H.R. 1471 is a start in the right direction, we believe.

In closing, Mr. Chairman, I want to thank the Committee again for this opportunity and encourage you now to hear from Mr. Byrd, and Mr. Lewis, and also, if time permits, to also hear the innovative strategy that Ms. Kaiser is working on for the record. Thank you.

[The prepared statement of Dr. Johnson follows:]

Statement of Jeffery M. Johnson, Ph.D., President and Chief Executive Officer, National Center for Strategic Nonprofit Planning and Community Leadership

Good Afternoon. I want to thank Chairman Herger and Members of the Human Resources Subcommittee of the House Ways and Means Committee for this opportunity to testify on your efforts to promote fatherhood. I am Dr. Jeffery Johnson, President and CEO of the National Center for Strategic Nonprofit Planning and Community Leadership (NPCL) and on behalf of the board and staff of NPCL, the 10 Partners for Fragile Families Demonstration Sites, the 6 Charles Stuart Mott, Fathers-At-Work Grantee Sites and over 3,000 fatherhood professionals that we have trained over the pass few years, partners from the faith-based community and an array of non-governmental organizations, I commend you and thank you for squarely addressing this long-neglected aspect of family social policy. If Congress is successful at passing legislation to support fatherhood programs, it will be a crucial step towards helping fathers assume emotional, legal and financial responsibility for their children. Legislation that seeks to strengthen the relationships between and among fathers and families covers a complex web of interrelated factors that can, on a practical level, make or break the brittle and weak family tie. The same bill also has implications for the success of greater child support collections as well as welfare to work initiatives.

My testimony is based on the work I have done over the past 20 years around fathers and families as well as my personal experience. For 12 years, I had the wonderful opportunity of being reared in a family with two loving parents. Unfortunately, my father died at the age of 39 leaving behind a widow and 10 children. Despite the positive example set by my mother, life was a struggle. She struggled to make ends meet and each of my brothers and sisters faced their own unique challenges that made it more difficult for a single parent. So, I know first hand the importance of fathers in families and I try to bring that knowledge to my work.

The mission of NPCL is to enhance the capacity of community-based organizations to address identified local needs, primarily through family and neighborhood empowerment. Simply put, NPCL works to help communities and families help themselves. And, as we know, strong families are critical to the health, economic, emotional and developmental well-being of children.

NPCL now runs or provides technical assistance on several projects aimed at strengthening the ties between fathers and families, including our ten-city demonstration project Partners for Fragile Families, the Fathers-At-Work demonstration project supported by the Charles Stewart Mott Foundation, the HUD/Public and Indian Housing Responsible Fatherhood Initiative and the Strengthening Fragile Families Initiative, a research, policy and practice consortium supported by the Ford

Foundation to encourage the development and implementation of policies aimed at fortifying the ties among poor, low-skilled, unmarried parents and their children. We call them "fragile families."

Partners for Fragile Families (PFF) is the first comprehensive national initiative designed to help poor, single fathers pull themselves out of poverty and build stronger links to their children and their children's mothers. PFF reflects lessons learned from previous failed demonstrations and is the child of best practices culled from over 40 years of social policy research and experimentation in this area. It is a collaborative effort funded by grants from NPCL and operated in 10 test cities by public and private groups, grass roots community-based organizations, federal and state child support enforcement agencies and private employers.

The idea is a partnership that leverages resources in a broad working coalition toward the shared goal of strong families where children are cared for by both mothers *and* fathers. Our guiding principle is that fathers have value to their children, even if they do not have money.

And make no mistake about it, the population that we refer to as "dead-broke dads" have very little money. Unlike "deadbeat dads," the men we serve likely qualify for food stamps themselves and statistically look much like mothers on welfare, (formally Temporary Assistance to Needy Families [TANF]).

The difference between "deadbeat dads" and "dead-broke dads" is that the former can pay child support, but *will* not; the latter are *willing* to pay child support but *cannot*.

We know this because research demonstrates that fragile couples are typically in a relationship when they have a child.

According to the Princeton's[1] Fragile Families and Child Well-being Study1, a longitudinal four-year survey currently in progress to document the course of "fragile" relationships, 82 percent of unmarried mothers and fathers are romantically involved at the time their child is born. Forty-four percent of these couples are living together and over 70 percent of mothers, who are interviewed in the hospital within 48 hours of their child's birth, say that their chances of marrying the baby's father are "50–50" or greater. Among couples who are not romantically involved at the time of birth about half of the mothers hold that they are friends with the father. Further, two-thirds of mothers and three-fourths of fathers agreed with the statement "it is better for children if their parents are married."

Clearly, there is a will here to form a family, what has been lacking is a way. And let me address the issue of marriage, here, by stating that the research shows the families support, it and so do we. The question for us is not whether we support marriage, but how we get there. And it seems to us that current proposals pushing marriage as a panacea ignore current data on the issue.

In the African-American community, rates of marriage are positively correlated to levels of education, according to studies conducted with census data and reported in William Julius Wilson's seminal treatise on the effects of unemployment on inner city families, *When Work Disappears: The World of the New Urban Poor*.

Wilson has also argued that the sharp increase in black male joblessness since 1970 accounts in large measure for the rise in the rate of single-parent families. In fact, employment status of the male is a significant indicator of the probability that single parents of a child born out-of-wedlock will marry. There is also a very strong positive relationship between annual earnings of young black men and their marital status, especially for young men between the ages of 18 and 31, roughly the cohort with which we work. As reported by Wilson, black men who are stably employed are twice as likely to marry the mother of their children.

Therefore, the mandate is evident.

If we provide support through public policies and programs aimed at increasing the family's employment and earning prospects as well as corollary services such as transportation, medical assistance, childcare and parenting education, low-income fragile families are very likely to stay together. In short, we believe that if we make men "marriageable" they are more likely to marry and their children will benefit.

It is as simple as that. But, we are talking about a wide spectrum of support services, which in turn suggests that broad partnerships are necessary to make these comprehensive efforts successful and sustain families. The converse of that however, is that as job prospects fade, the foundation for a stable relationship weakens and puts the fate of the family—and the well-being of children—in jeopardy.

For these reasons, NPCL and its work directed at fathers is focused on dealing with the fathers where they are, then bringing them into programs where holistic support is available. One very positive result of our PFF demonstration has been

[1] Fragile Families & Child Well-Being Study, Irwin Garfinkel, Ph.D. and Sarah S. McLanahan, Ph.D., Princeton University.

our ability to find fathers living below the radar screen, outside organized society and out of the reach of the child support enforcement system. Once we find these men and convince them to join a program however, we have seen promising signs. Not only do we provide job training, we also try to give men the tools they need to make all their relationships work: with in-laws, the mothers of their children, with the children themselves. We believe that education is of supreme importance, so we try to educate men about everything from anger management and conflict resolution to the child support system and family planning. They are part of a peer support group where men in similar situations share their experiences and more experienced men can lead by example. Peer groups are powerful forces, encouraging men to find work, provide for their children, negotiate with mom, be there for their kids. We've learned to trust the process.

We have also learned that the child support enforcement system must change. To that end, we have developed Peer Learning Colleges, through which we bring together child support experts, researchers and leaders in the field to focus on ways in which the child support system might better work with "dead-broke dads" and address the needs of low-income families. Child support enforcement agencies are beginning to realize that poor fathers require a different approach than "deadbeat dads" because they often want to support their children, but need help. If child support enforcement has at the heart of its mission the desire to promote child well-being, it makes more sense in the case of low-income fathers to help them find a job, negotiate a payment schedule for support or reduce arrearages, than it does to lock them up for non-payment of support: after all, if you have no job skills and, therefore, can't find a job to enable support payments, you won't find those skills in jail.

Community-based organizations can gain the trust of hard-to-reach fathers, help them establish legal paternity, learn their legal rights and teach what we call T–E–A–M parenting, meaning that parents work together for the benefit of their children regardless of their marital status. Child support enforcement agencies can work with fathers at the outset to modify child support orders, help or allow fathers time to train for work and some, private employers are willing to hire well-skilled and dependable workers.

Whether or not they are married, the child needs food, clothes, care, love and two supportive, nurturing parents. After he becomes self-supporting and an integral part of his child(ren)'s lives, hopefully, marriage is a result if that is something the couple seeks for themselves.

It is imperative that any new or revised policy initiatives work towards supporting these efforts to assist fragile families.

Of the current proposals, H.R. 1471 provides for the kind of service delivery system that is inclusive of fathers and would serve to move fragile couples and their children toward traditional family formation. The President's proposals, while welcome, do not contain an adequate level of funding.

Our goal is to help fathers become nurturers, emotionally involved and devoted to their children, in other words, as integral to the developmental well-being of children as mothers. But, it is also to spur independence and self-sufficiency.

We, now, face the second chapter in the welfare reform story. If we are serious about ending "welfare as we know it" we must support self-sufficiency as we envision it. The savings states are realizing from the reductions in welfare rolls should go into real job-training programs and comprehensive family and social services that have as their ultimate objective, the ability to live and support a family by working. But, these efforts are both deep and broad, they take commitment and scope. That is why all PFF grantees must address a range of issues. It is why they are required to institute or provide access to intensive career and personal development skills training in preparation for placement in family-sustaining, wage-growth jobs. We are talking about boot-camp-job-readiness programs. Grantees are also urged to perform long-term follow-up for clients to maximize the chances for job retention.

Because rates of morbidity, mortality, unemployment, and incarceration of young men are so high in their communities, there is little evidence of successful marriage for young people to emulate. None of this means that these young people are any less responsible for their children. They are and should be expected to be accountable for the "oops" once it happens. And, happily, research shows that many of these young men are indeed interested in being good fathers, they just don't know how. Our practitioners have a saying: "If you've never seen [fatherhood] and never experienced it, you can't do it." But they do try.

One 30-month study of 16–26-year-old, poor single fathers revealed that 75 percent visited their child in the hospital; 70 percent saw their child at least once a week; 50 percent took their child to the doctor and large percentages reported bathing, feeding, dressing and playing with their children; and 85 percent provided infor-

mal child support in the form of cash or purchased goods such as diapers, clothing or toys. In addition, the average mother on welfare receives about $33 a month in covert support from poor fathers.

The heart is indeed willing, the ability is lacking. Multiple, flexible strategies will be necessary to address the challenges these men and their families face. Part of that response, we believe, is programs like Partners for Fragile Families.

[The attachment is being retained in the committee files.]

Chairman HERGER. Thank you, Dr. Johnson. Mr. Byrd, would you like a couple minutes?

Mr. BYRD. Yes. Could you speak up? I cannot really hear you that much.

My name is—well, you already know my name, but I am in this trial program, and I am not a deadbeat dad, but I was a dead-broke dad, but recently I got a job. It really, actually gave me the positivity knowing would I be able to go get a job. I went to like two, three group meetings. I have been to three fatherhood conferences with Mr. Joe Jones and I spoke on that panel three times, and I am not really saying that I am like underskilled or underachieved, but it is just that most people do not give us a chance because they would judge us by what they see us as instead of not getting to know the person, not knowing the person that is behind the clothes.

What I am here for today is to know what type——

I am kind of nervous, as you can see.

Chairman HERGER. You are doing just fine. You are doing just fine.

Mr. BYRD. And mostly, when I go to the group, like when I have problems, I call and I talk to either Mr. Rice or Mr. Joe Jones. They give me input on different situations, and right now, what I am going through, they was telling me about how I got to learn how to play the ball game. Like if I am going for a certain job, I have to look like the people working in order for them to look at me to put me on their team. I just cannot go into a job and say, "Hey, this is me. I want to get this," without having the proper attire or the proper frame of mind. I cannot go in there if I am comfortable. I have to go in there looking like I am ready to play their game. That is all.

Chairman HERGER. Thank you very much, Mr. Byrd. I appreciate that. Dr. Haskins.

STATEMENT OF RON HASKINS, PH.D., SENIOR FELLOW, BROOKINGS INSTITUTION, AND SENIOR CONSULTANT, ANNIE E. CASEY FOUNDATION, BALTIMORE, MARYLAND

Dr. HASKINS. Chairman Herger, thank you for having me today. I am pleased to be here on the other side of the microphone and learn that all of the members actually have a front to their bodies. For several years, I got to study the backs of members for hours and hours. Also, I believe this is the first hearing I have been to in probably a decade that I did not write the opening statement. I was especially pleased that Matt agreed to write my statement for me. So I did not have to write anything for this hearing.

Chairman HERGER. I hope the front looks almost as well as the back.

Mr. HASKINS. Pardon?

Chairman HERGER. I hope the front looks almost as well as the back.

Dr. HASKINS. Thank you. Thank you. Oh, of course, it is.

Mr. Cardin, I am afraid we will not have much of a chance to disagree today. There may be a few little things in child support that we could disagree about, but I hope you invite me back again when you talk about welfare.

Mr. CARDIN. Since you wrote the bill, I would hope you do not have too much to say critical of it.

Dr. HASKINS. Let me first say that I think the first thing the Committee should do in considering reauthorization is to reflect on the success that this bill has had. There are failures, of course, but in almost every title, not just the TANF title, not just because of more work, but in the child support title, in the Supplemental Security Income titles, the bill has achieved its intended effects. and I would say on the whole that we probably have fewer people in the United States today dependent on welfare benefits as their primary source of income than we have had probably since the depression or certainly since the 1950's. That is a major achievement and this Committee is the first Committee that wrote the original draft of the bill. So I think that is a remarkable achievement.

However, I do think there are three things in child support enforcement that the Committee should attend to. Two of them, I believe would have immediate or intermediate impacts, the Committee would not have to wait very long to have good impacts, and the third one may avoid a crisis. So I would like to talk about each of those three in turn.

The first is who gets the money, and Mrs. Johnson and others have already spoken eloquently about this. When we started the child support program way back in the 1970's, the main idea was cost recovery. We were trying to reimburse taxpayers for paying for welfare. That is still a worthy idea, but since then, our welfare system has changed dramatically, and now we emphasize to a great extent people becoming independent of welfare. As that goal has shifted of our welfare program, more and more members have come to see that the child support system should also shift. So the arrearages that we used to retain to repay taxpayers and the money that we retain (all the money when the family is on welfare) a lot of people think should be given back to the families.

We made a very important step in that direction at the initiative of this Subcommittee in 1996. We were blocked from taking the entire step by the U.S. Senate, which often happens to our magnificent legislation, and last year, we tried to take this step and, again, were prevented by the Senate from doing it. But I would guess that if this bill passes again that the Senate will act on it and that we will, in fact, be able to return that money to the mothers—get the money from the fathers to the mothers.

I want you to know that when fully implemented, this provision would provide about $900 million per year to mothers who have left welfare. So that is a lot of money. It is money that the father paid. This is extremely worthy legislation, and I hope the Subcommittee can pass it.

The second issue is fatherhood. Many other witnesses have talked about that, so I can just skim through that very briefly. But I do want to point out, I think there is no question that, especially Republicans, but on a bipartisan basis, I believe, in the next 18 months or so, we will emphasize marriage. There will be a huge emphasis on marriage in welfare reform reauthorization, and I would point out to the Subcommittee that, to some extent, to reemphasize marriage without emphasizing fatherhood and particularly the problems that are experienced by low-income fathers, is somewhat hypocritical because we could not in all good conscience promote marriage when we have so many fathers who are unemployed. Their income has been declining for approximately the last decade. They have lots of other problems. Many are incarcerated. We simply need to find a better way to deal with these young men and to help them to a greater extent than we have in the past. Unless we do that, the marriage agenda, I think, has a very serious flaw.

Finally, I would like to call the Committee's attention to what I think is a long-term problem that will be very important for the States in the years ahead unless something is done. If you look at pages 6 and 7 of my testimony, you will see that there have been huge increases in collections in the non-welfare program, but if you look in the welfare program, collections are actually decreasing, and the reason for that is obvious. We have many fewer cases on welfare than in the past.

The Committee should take this into account. The average State gets 30 percent of the money to finance their child support program from their welfare collections. So, as these collections go down, many States are going to have difficulty, especially the half that Nick Young referred to that finance their program directly out of those collections. They are going to have greater and greater trouble, and they are going to have to go back to their State legislatures and ask for more money.

So I do not know what the solution to this problem is. I have not heard of a good solution, but I think this Subcommittee with its long history of looking ahead and emphasizing financing issues and nitty-gritty issues about this program should look into this very carefully, should work cooperatively with the administration, with the IV–D directors and other bureaucratic organizations to see if, within the next 2 or 3 years, we can really develop a solution for this problem.

So, Mr. Chairman, I would like to especially call to your attention in closing the fact that if this Committee were able to pass the provision to distribute more of the collections to the mothers that we would have an immediate impact on these families. The year after it passes, these families will start to have more money, and within 5 or 6 years, they will be receiving $900 million of money paid by the fathers. So that is an extremely important action for this Committee to take.

Thank you very much.

[The prepared statement of Dr. Haskins follows:]

Statement of Ron Haskins, Ph.D., Senior Fellow, Brookings Institution, and Senior Consultant, Annie E. Casey Foundation, Baltimore, Maryland

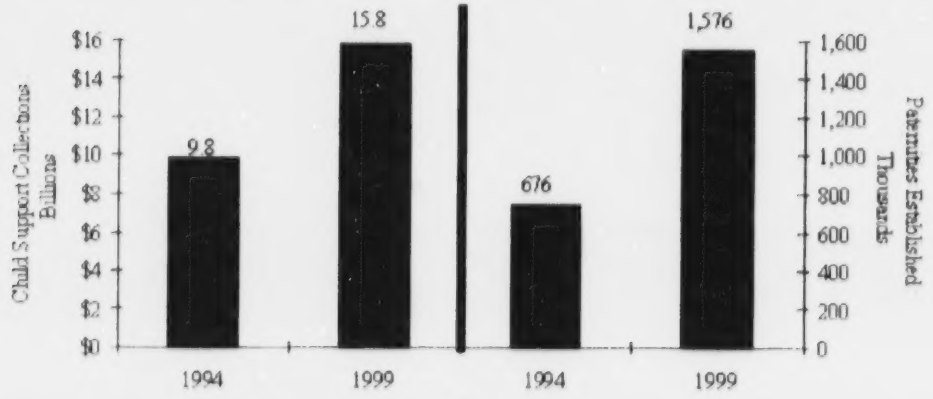
Chairman Herger, Ranking Member Cardin, and Members of the Subcommittee: My name is Ron Haskins. I am a Senior Fellow at the Brookings Institution in Washington, DC and Senior Consultant at the Annie E. Casey Foundation in Baltimore. I thank you for inviting me to testify about the child support enforcement program and the important child support amendments of 1996.

As Members of this Subcommittee know very well, the welfare reform law of 1996 must be reauthorized by October 1 of next year. Reauthorization provides this Subcommittee and the rest of Congress with the opportunity to review the effects of the momentous 1996 legislation. Other than the new Temporary Assistance for Needy Families (TANF) program in Title I of the legislation, which completely replaced the old Aid to Families with Dependent Children program, no program received a more thorough overhaul in 1996 than Child Support Enforcement. Thus, it is especially appropriate for the Subcommittee to examine what has been learned about the effects of the sweeping child support amendments.

The major conclusion the Subcommittee should draw about the 1996 child support reforms is that, although much remains to be learned, the evidence indicates that the reforms have been successful in improving the performance of the child support enforcement program. Consider two of the central goals of the child support program; namely, paternity establishment and child support collections. As shown in Figure 1, both paternity establishment and child support collections have improved dramatically since 1995.

Figure 1

Paternity Establishment and Child Support Collections are Up



Source: U.S. Department of Health and Human Services

Though the achievements of the 1996 reforms are notable, I would recommend that the Subcommittee carefully investigate solutions to three child support enforcement issues that were not thoroughly addressed in the 1996 legislation, one of which is a long-term problem that may lead to a financing crisis in many state child support programs.

The first issue is one the Subcommittee has addressed in the past. Perhaps the central goal of Congress when it created the child support program back in 1975 was recovering the costs incurred by taxpayers in providing welfare benefits. Many single mothers who received no financial support from their children's father had difficulty earning enough money to meet their children's basic needs. As a result, they sought out help from taxpayers in the form of cash welfare and other public benefits. Senator Russell Long of Louisiana, the major author of the child support enforcement program, wanted to find such fathers, establish paternity if necessary, obtain a child support order, and collect money from them. If the children were on welfare or had been on welfare, Senator Long believed it was appropriate for the government to keep at least part of the money collected from these absent fathers to reimburse taxpayers for the costs of welfare. Taxpayers had stepped in for these absent fathers; now it was the fathers' turn to repay taxpayers. Senator Long's vision became a major feature of the child support enforcement program that became law in 1995.

Although most Members of Congress still support this cost recovery goal of child support enforcement, most members believe that a new goal has become even more important than cost recovery. When the child support program was enacted in 1975, the federal government placed little emphasis on trying to help mothers get off welfare and join the workforce so they would not become dependent on welfare. In the years after 1975, and especially since enactment of the sweeping welfare reforms of 1996, both the federal and state governments have placed much greater emphasis on families achieving independence from welfare through employment. Thus, the 1996 reforms focused on helping, and where necessary forcing, mothers to leave welfare for work. As many as two million mothers who in the past would have been on welfare are now trying to support their families without cash welfare.

Most of these mothers work at low-wage jobs and are able to support their families because the federal government has created a set of work support programs that provide income subsidies to these mothers and their children. The work support programs include the Earned Income Tax Credit, food stamps, the child tax credit, Medicaid, and child care. In a typical situation, a mother with two children who used to be on welfare now has a low-wage job and earns about $10,000 per year. However, between the Earned Income Tax Credit and food stamps, this mother has cash or near-cash income of $16,000. In addition, her children are covered by health insurance through the Medicaid program and her child care expenses are paid for by federal and state child care programs.

Even so, raising two children on $16,000 per year is no picnic. Thus, in 1996, Congress began to alter the cost-recovery feature of child support enforcement in order to provide more of the father's child support payments to mothers and children. Under pre-1996 rules, once a mother left welfare she was entitled to receive only child support payments on current support. States had the right to keep, and split with the federal government, any payment in excess of the current support amount (the amount above current support is referred to as payment on "arrearages"). But in 1996, Congress, following the leadership established by this Subcommittee, changed the law so that states had to pay to the mother and children about half of the arrearage amount. Thus, for example, if current support were $250 and the father paid $350, on average $50 of the $100 arrearage amount had to be paid to the mother and children.

Last year this Subcommittee originated legislation to give the other half of the arrearage amount to mothers who had left welfare, as well to share additional arrearages with mothers who were still on welfare. Once fully implemented, this provision would have resulted in mothers leaving welfare receiving in excess of $4 billion over five years. The entire $4 billion, of course, would have been money paid by the father. Members of the Human Resources Subcommittee wrote this provision primarily because they wanted to ensure that mothers trying to leave welfare received as much help as possible from government and from private sources. As a conservative, this new emphasis on using government to help mothers end or avoid reliance on public benefits always seemed to me to be the essence of compassionate conservatism. In any case, the provision on arrearages, combined with the Subcommittee's provision creating a new fatherhood program, passed on the House Floor by an overwhelming vote of 405 to 18.

Unfortunately, as often happens with the pristine legislation originated by this body, the child support provision to give more money to mothers leaving welfare met a tragic fate in the Senate. Despite repeated efforts by Chairman Johnson and others on this Subcommittee, and despite support from Chairman Roth of the Finance Committee, time ran out on the 106th Congress before the Senate acted.

I would strongly recommend that this provision to share nearly all arrearage payments with mothers leaving welfare be enacted by the Subcommittee again as soon as possible and that special efforts be made to help the Senate see the wisdom of this provision. In order to ease Senate passage, I suggest that the Subcommittee slightly change the version of the bill passed by the House last year. Last year's bill mandated that states give nearly all arrearage payments to mothers leaving welfare. This mandate imposes a serious cost problem on states that are already having difficulties financing their child support program. If the mandate is converted to an option, according to the Congressional Budget Office more than half the states would adopt the option, including most big states. The National Governors' Association, the American Public Human Services Association, and the National Conference of State Legislatures all strongly urged Congress to support the option last and all will publicly support the legislation if the option rather than the mandate is included.

The federal cost of this provision would be around $3 billion over five years. The entire cost represents the loss of revenue to the federal government because child

support payments by fathers are being given to mothers and children rather than government.

The second child support amendment the Subcommittee might wish to consider is also one that was enacted last year by the House; namely, an innovative fatherhood program. It may be recalled that the Subcommittee approved about $160 million over 5 years to fund fatherhood programs that would promote marriage, better parenting (including the payment of child support), and employment for poor and low-income fathers, especially fathers whose children were or had been on welfare.

Several characteristics of the Subcommittee's bill are of major importance. Recent research by noted Princeton scholar Sara McLanahan shows that about half the couples that have babies outside marriage are cohabiting at the time of the birth. An additional 30 percent tell interviewers that they are involved in an exclusive relationship with the other parent. Thus, a total of about 80 percent of the babies born outside marriage have parents who either cohabit or are involved in a romantic relationship. Moreover, these couples tell interviewers that they hope their relationship will become permanent. Based on this research and testimony from scholars and men directly involved in fatherhood programs, one major characteristic of the Subcommittee bill was an emphasis on involving couples in the program at around the time of the child's birth. This is an especially important provision because research by Rangarajan and her colleagues at Mathematica Policy Research shows that within a year or two, most of these couples will separate and the father will seldom see the child. As McLanahan put it, the time of birth may be a "magic moment" in which programs to help parents build their relationship have a window of opportunity.

The Subcommittee bill also placed great emphasis on projects conducted by community-based, especially faith-based, organizations. A broad bipartisan coalition of members supported this provision, including the applicability of the 1996 welfare reform law's Charitable Choice language to the fatherhood program. Now that the Bush Administration is making a major effort to build faith-based programs at the community level, the timeliness of emphasizing faith-based fatherhood programs is even greater this year. In addition to the potential effectiveness of faith-based programs, the emphasis on providing funds to community-based organizations helps to ensure that projects are consistent with local culture and are conducted primarily by community leaders rather than imposed from outside the community by government officials.

Another important characteristic of last year's Subcommittee bill was the provision on evaluation. It must be admitted that, although programs for fathers hold out great hope for increasing marriage, improving parenting, and increasing employment, it has not been demonstrated that such programs can actually produce these effects. Thus, careful evaluation of the programs is essential in order to determine whether they work. In all likelihood, several types of programs will be shown to work. Once these have been identified by evaluation, the characteristics of these successful programs can be duplicated by other programs.

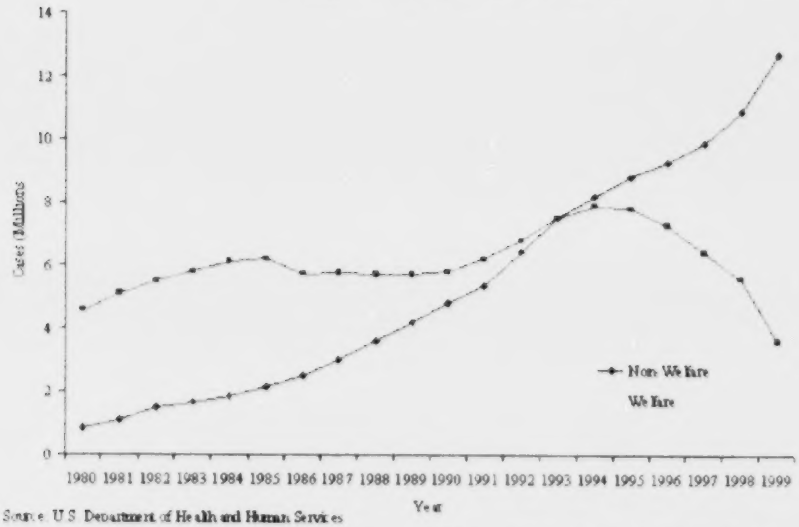
A final word is in order about poor fathers and child support enforcement. In testimony before this Subcommittee, several leaders of fatherhood programs have pointed out how much difficulty poor fathers have with child support arrearages. Program operators have found that as they work with young fathers to encourage contact with their children and the payment of child support on a regular basis, many of them have built up arrearages of several thousand dollars. Some young fathers under the age of 20, who have been employed only sporadically, owe thousands in past-due support. These arrearages serve as a disincentive for fathers to seek employment and to establish, often for the first time, a pattern of routine child support payments. Something must be done about these big arrearages.

Let me be clear that I am not recommending any statutory amendments that would forgive child support arrearages. Such a provision would be too controversial and might even seem to represent a step backward in Congress's long campaign to build a strong child support program. Rather, I believe this Subcommittee should encourage Secretary Thompson and his staff to provide national leadership in convincing state and local child support programs to work cooperatively with mothers and fathers to temporarily suspend arrearages as long as fathers make regular payments on current support.

The third issue I recommend that the Subcommittee examine in detail during the 107th Congress is child support financing. The impending problem with child support financing is suggested by the data in Figures 2 and 3. Figure 2 shows the dramatic difference in the enrollment history of welfare and non-welfare caseloads of child support enforcement. More specifically, non-welfare cases have been growing steadily since the beginning of the program in the 1970s while welfare cases grew initially but have been declining in recent years. The increase in non-welfare cases rep-

resents rising costs for state child support programs because all the child support collected in these cases is paid directly to the custodial parent and children. Unlike the welfare cases, in which states often are entitled to keep part of the collections, states are generally not allowed to keep any of the child support collections in non-welfare cases.

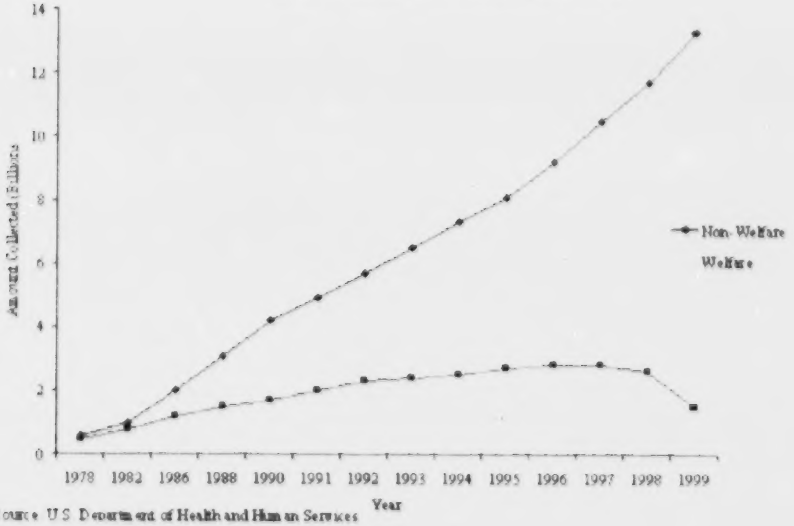
Figure 2
Child Support Caseloads: Welfare and Non-Welfare Cases



Source: U.S. Department of Health and Human Services

By contrast with the growth of non-welfare cases, the drop in welfare cases is an outgrowth of the dramatic success of the 1996 welfare reforms and the strong economy. Although this caseload decline is good for state TANF budgets because there are now less than half as many TANF recipients as there were in 1995 in the average state, the caseload declines threaten to be a disaster for state child support enforcement financing. The average state receives about 30 percent of the funds necessary to run its child support program from retained collections in welfare cases and former welfare cases. In the case of current welfare cases, states keep virtually 100 percent of child support collections in exchange for taxpayer-provided welfare benefits. But because the welfare cases have fallen so dramatically, this source of income for state child support programs has also been falling.

Figure 3
Child Support Collections: Welfare and Non-Welfare



Source: U.S. Department of Health and Human Services

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Fortunately, as can be seen by the second panel in Figure 3, collections in welfare cases have not dropped as fast as the welfare caseload itself. This fortunate result is caused both by the fact that child support agencies are more effective now than before 1995 and because old child support cases have continued to yield payments. Once cases begin to produce payments, the collections tend to continue, in some cases even after the mother leaves the welfare rolls. However, these cases of continuing payments provide no more than a temporary respite from the inevitable serious decline in state income from child support welfare cases. In fact, in the long run income from these cases will mirror the rapid decline of the caseload, at which point child support financing in many states will reach a crisis.

Unless state child support programs are to shrink, the current child support financing arrangements must be reformed. Inevitably, either state governments, the federal government, or both are going to have to spend more money on child support enforcement. Because it is unlikely that welfare caseloads around the country will begin to increase again, more and more states are going to reach the crisis stage in child support enforcement financing.

The solution to this financing problem is not apparent. In the end, it may prove the best course for Congress and the states to both contribute more to child support financing to make up for the money lost from declining welfare collections. What is certain is that the solution will not suddenly appear out of thin air. Rather, this Subcommittee should conduct hearings, work with state child support enforcement officials and their professional organizations, and cooperate with the Bush Administration to explore possible solutions to the pending crisis in funding. A host of potential actions for refinancing are certain to arise out of this work. In addition, the Subcommittee can begin to get an idea of the costs of various approaches to refinancing the child support enforcement program.

Although the evidence seems to indicate that the child support amendments of 1996 have improved program performance, there are still important reforms that could increase the program's effectiveness. These include sharing more collections with mothers struggling to leave welfare, creating fatherhood programs so that poor fathers can be more effective parents and perhaps husbands, and reforming the financing of the child support program to make it more compatible with the current reformed cash welfare system. This Subcommittee, which has been the source of vital child support reforms on so many occasions in the past, should continue this tradition of program innovation by aggressively addressing all three of these issues.

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Rangarajan, Anu and Philip Gleason. 1998. "Young Unwed Fathers of AFDC Children: Do They Provide Support?" *Demography* 35(2): 175–186.

Chairman HERGER. Thank you very much, Dr. Haskins. Again, the Committee, and I, want to thank you for your many years of guidance and support on this Committee.

Dr. HASKINS. Thank you.

Chairman HERGER. With that, we will turn to Dr. Sorensen.

STATEMENT OF ELAINE SORENSEN, PH.D., PRINCIPAL RESEARCH ASSOCIATE, INCOME AND BENEFITS POLICY CENTER, URBAN INSTITUTE

Dr. SORENSEN. Chairman Herger and other Members of the Committee, thank you for this opportunity to testify. I have been working on this issue for many years, and I would like to make three points today.

First, child support enforcement has made a difference in poor children's lives, and that is the success that we should commend Congress for encouraging.

Two, despite this success, there are many noncustodial fathers who are poor themselves and need help.

Three, child support enforcement, to be successful in the future and reach more poor children, will need to face the problems of poor, noncustodial fathers.

My research and that of many others show that expanding the child support enforcement program has improved child support collections, especially for never-married mothers who, 20 years ago, were very unlikely to receive child support. So we have had success. The specific policies that have been very successful are the in-hospital paternity establishment program, and immediate wage withholding. More recent programs like the new hire program, State disbursement units have been very successful in specific States.

My research shows, that child support for poor children has increased since the enactment of welfare reform in 1996. We find that 29 percent of poor families were receiving child support in 1996, and that is up today. Also, the amount of family income coming from child support compared to 1996. So child support is playing a more important role in poor families' lives.

Despite these gains, though, we still have 5.5 million poor children who are poor and do not receive child support. Part of the reason that child support has not reached these poor kids is because their fathers have a limited ability to pay child support. There are about 2.5 million noncustodial fathers who are poor themselves, and they have many of the same employment barriers that poor moms do.

We find that 43 percent of them are high school dropouts, 40 percent of poor non-custodial fathers have health problems, most of them do not have health insurance, about a third of them have not worked for a long time. When they do work, their earnings are low. They are having a hard time meeting their own needs as well as their noncustodial children.

One of the employment barriers that disproportionately affect fathers that does not affect mothers as much is incarceration. We estimate that about 30 percent of poor, noncustodial fathers are incarcerated.

Despite these employment barriers, very few noncustodial fathers receive assistance in the employment area. We find that only about 6 percent of poor fathers, all of whom could benefit from employment services, are getting employment services.

In order for child support to be more effective in the future and reach more poor kids, research shows that more money needs to go toward the father to get him employed. Employment-oriented programs right now are mostly funded out of the Welfare to Work program, but this program ends soon. The question is how will employment programs for low-income fathers be funded in the future.

As a society, we have invested in poor mothers so that their children can live with them in their homes, and we have been successful. We have invested in the child support enforcement program so that children can count on the financial support of both their mom and their dad.

To build upon this success, it is time to invest in poor, noncustodial fathers so that they, too, can contribute to the financial support of their children.

Thanks.

[The prepared statement of Dr. Sorensen follows:]

Statement of Elaine Sorensen,* Ph.D., Principal Research Associate, Income and Benefits Policy Center, Urban Institute

Chairman Herger and Members of the Human Resource Subcommittee, thank you for the opportunity to testify on this important topic. I have been researching this issue at the Urban Institute for nearly ten years. I have found that child support enforcement has made a difference in the lives of poor children, but that there are a large number of poor noncustodial fathers who have problems themselves.

The approximately 2.5 million noncustodial fathers who are poor (the poverty threshold for one person under the age of 65 was $8,959 in 2000) and do not pay child support have difficulty meeting the needs of their children. They need help overcoming the multiple employment barriers that most of them face. In my testimony today I will discuss the gains that child support has made in obtaining more child support for poor children. But I will also document the employment barriers that poor noncustodial fathers face and argue that child support enforcement will have limited success in reaching poor children in the future unless the problems faced by poor noncustodial fathers are addressed.

My research, as well as that of others, shows that expanding the child support enforcement program has increased the likelihood of receiving child support, especially among never-married mothers and single mothers on public assistance. Wage withholding and the voluntary in-hospital paternity establishment program are two specific policies that have had a dramatic impact on child support receipt. More recently, since the enactment of welfare reform in 1996, poor children eligible for child support are more likely to receive child support and the amount that their families receive has increased. Between 1996 and 1998, the percent of poor children eligible for child support whose families received it increased from 29 percent to 32 percent. In addition, child support represented 23 percent of these families' income, up from 21 percent two years earlier. Hence, child support is an increasingly important source of income for poor children.

Table 1. Poor Children Who are Eligible for Child Support: Percent Whose Families Received it, the Average Amount Received, and the Percent of Family Income it Represents

Year	Percent of Poor Children Eligible for Child Support Whose Families Received It	Average Amount of Child Support Received	Child Support as a Percent of Family Income
1996	29%	$1,979	21%
1998	32%	$2,222	23%

Source: National Survey of America's Families.

Despite these gains, however, most poor children still do not receive child support even though 60 percent of them are eligible for it. Only 2.5 million poor children lived in families that received child support in 1998; another 5.4 million poor children had to do without child support that year.

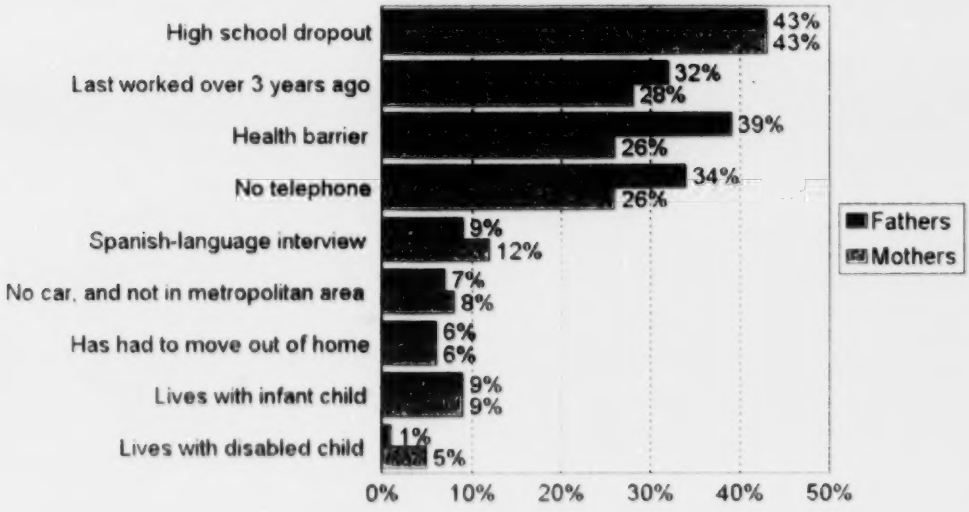
Further efforts to increase the number of poor children receiving child support should consider the limited potential of their noncustodial parents to pay support. There are approximately 2.5 million noncustodial fathers who are poor and do not pay child support. These fathers face many of the same barriers to work as poor mothers who do not receive child support. In particular, 43 percent of these fathers have not completed high school, the same percentage figure among poor custodial mothers who do not receive child support. Nearly 40 percent of these fathers report a health problem and 62 percent of them do not have health insurance. About one-third of them have not held a job for more than three years. Among those who work, their average annual earnings are only about $5,000. These employment barriers and low earnings make it difficult for fathers to meet their own basic needs as well as provide for their non-custodial children.

*The views expressed in this testimony are those of the author and do not necessarily reflect those of the Urban Institute, its board or its sponsors.

One employment barrier that disproportionately affects poor noncustodial fathers is incarceration and having a criminal record. Nearly 30 percent of poor noncustodial fathers who do not pay child support are institutionalized. Most of these fathers are in prison. Once these fathers leave institutional life, their work prospects will not improve that much. Their criminal record and interrupted labor force participation make these men unattractive to prospective employers.

Although poor noncustodial parents face many of the same employment barriers as poor custodial mothers, they are significantly less likely than poor custodial mothers to participate in job-related activities. In 1997, only 6 percent of these fathers received any job search assistance and only 4 percent of them received job training courses or attended GED or college classes.

Figure 1. Potential Obstacles to Work



Universe: Poor Noninstitutionalized Noncustodial Fathers Who Do Not Pay Child Support and Poor Custodial Mothers Who Do Not Receive Child Support

Source: National Survey of America's Families

In order for child support enforcement to be more effective for poor children, my research suggests that more money needs to be spent on employment-oriented services for poor noncustodial parents. Unfortunately, at this point we do not know what programs work among this population. Congress has already funded one national demonstration to examine the impact of serving poor noncustodial fathers—Parents' Fair Share. Many lessons were learned from this demonstration. In my view, the most important lesson learned was how hard it is to serve this population. Only two of the seven sites in this demonstration were able to significantly increase the child support payments and employment rates of its participants relative to a control group. Two attributes seemed critical to their success—strong leadership from child support enforcement and a focus on skill-building services, such as on-the-job training.

Employment-oriented programs for poor noncustodial parents are currently being funded primarily through the Welfare-to-Work (WtW) Grants Program, but this program will end in 2002. About 10 percent of the participants in this program have been noncustodial parents. Although many of the programs serving noncustodial parents experienced initial problems, and some still do, there will be much to learn from these efforts. A recent study by the Urban Institute showed that a wide range of service delivery models are currently being used to serve noncustodial fathers with WtW monies. Findings about the success of these programs will help us better understand what might work for this population. As noted above, WtW monies must be spent by September 2002 and no new money for this program has been allocated. The question remains as to how Congress will fund employment-oriented programs for low-income noncustodial parents in the future.

Despite our limited knowledge about what works for poor noncustodial fathers, my research shows that they need services to meet their financial obligations to their children and without these services, further efforts to obtain child support for poor children will meet with limited success. As a society we have invested in poor mothers so that their children can remain in their homes and live with them. This investment appears to be finally working. My research suggests that it is time to make a similar commitment to poor fathers so that poor children can rely on both of their parents for the emotional and financial support that they need.

Chairman HERGER. Thank you, Dr. Sorensen. Now Ms. Entmacher to testify.

STATEMENT OF JOAN ENTMACHER, VICE PRESIDENT AND DIRECTOR, FAMILY ECONOMIC SECURITY, NATIONAL WOMEN'S LAW CENTER

Ms. ENTMACHER. Thank you.

Chairman Herger and Members of the Human Resources Subcommittee, I appreciate this opportunity to testify on behalf of the National Women's Law Center.

There are three main points I want to make in my testimony. First, the child support reforms enacted by Congress in 1996 have substantially improved the performance of the child support program. We have been critical of the performance of the program for a number of years. We have worked to improve it virtually since it was enacted, and so it is very exciting to be able to say that the preliminary data show that collections have doubled over the last 5 years. This is a real thrill for an advocate.

The second point is that while these increases in child support are benefiting many low-income families, some poor children are not receiving support because the money the child support system collects on their behalf does not go to them, but instead goes for welfare reimbursement. For once, I can simply refer to Dr. Haskins' testimony and say he is absolutely right that nearly $1 billion a year should be going to children and their custodial parents. So we completely agree on the importance of that reform which is in 1471.

Third, some custodial fathers, like many custodial mothers, are poor themselves and have limited capacity to support their children. We need to improve services for both parents and the earning capacity of both parents in the next stage of welfare reform if we want to bring children out of poverty and not just off of welfare. However, we do have much less information about the effectiveness of different service strategies for noncustodial parents as compared to the research that has been done on custodial parents, and the funding for demonstration programs in H.R. 1471, which is targeted to non-custodial parents, would help fill this gap.

To return to point one, the 1996 reforms were designed to create a more automated, integrated, and nationwide child support enforcement system. Implementing these reforms has not been easy, as you, Chairman Herger, have reason to know in California, and the process is not yet complete, but, even so, the improvements have been dramatic.

Between 1995 and 2000, the collection rates for cases with orders in the IV–D program doubled. In 1995, even when an order was

put in place, collections were made in only about a third of cases. In 2000, collections were made in more than two-thirds of cases, and as you have heard, collections have risen 64 percent from $11 to $18 billion.

Child support is extremely important for the low-income families who receive it. It accounts on average for 16 percent of family income of families who get child support, but for poor families not on welfare who are eligible to receive all the current support that is collected, child support provides over a third of the family's income. So that brings me to my next point which is the importance of changing the assignment and distribution rules to give more child support to families.

The National Women's Law Center has been working with the Center on Fathers, Families, and Public Policy, and a group of other advocates, practitioners, and researchers who work with low-income mothers and similar people who work with low-income fathers to see if we can come together on recommendations to improve policies for mothers, fathers, and children.

This policy change of giving child support to families was one that people clearly agreed on, not just because of the value of the income, which was certainly important, but also because of the costs that are paid in terms of hostility to the child support system and hostility toward the other parent that are generated by our current system.

Mothers are frustrated because they do not see any contribution by the fathers. Fathers are frustrated because child support is being collected from them, but it is not getting through to the child, and instead of bringing people together, current policies drive them apart.

We also know something that we did not have information about last year when this policy was being considered. Wisconsin implemented a policy of passing through and disregarding all child support to children, and the results of that experiment are now in. We see that mothers got more support. Fathers were more likely to pay support, and there was not an increase in overall government cost because, even though the State was giving up these collections, it was offset by savings in other government programs.

I would urge the Committee to act quickly on this reform. The simplification of the distribution system would make a difference to States like California that are still in the process of designing their computer systems. So sooner rather than later would make a big difference.

I see my time is up.

[The prepared statement of Ms. Entmacher follows:]

Statement of Joan Entmacher, Vice President and Director, Family Economic Security, National Women's Law Center

Chairman Herger and Members of the Human Resources Subcommittee, thank you for this opportunity to testify about the impact of the 1996 Congressional child support reforms on the child support system and proposals to better serve custodial and noncustodial parents and their children.

I am testifying today on behalf of the National Women's Law Center. The Center is a nonprofit organization that has worked since 1972 to advance and protect women's legal rights. Since the creation of the child support enforcement program under Title IV–D of the Social Security Act in 1975 (the "IV–D program"), the Center has worked at the state and federal level to improve the federal/state child support sys-

tem, and has provided information to women across the country about their rights to child support enforcement services. The Center also is engaged jointly with the Center on Fathers, Families and Public Policy in the Common Ground Project. This Project brings together public policy advocates, practitioners and researchers who work with low-income mothers and fathers to develop and advance child support, welfare, and family law policies that foster effective co-parenting relationships between low-income parents and increase economic and emotional support for children. The first report of the Common Ground project, *Family Ties: Improving Paternity Establishment Practices and Procedures for Low-Income Mothers, Fathers and Children* was issued last year.[1]

To summarize: The child support reforms enacted by Congress in 1996 have substantially improved the performance of the child support program. Preliminary data show that the collection rate has doubled in the last five years. But even with further improvements in collection rates, the amount of child support actually received by poor children will be limited by two factors: the child support program's continued mission of recovering welfare costs, rather than helping families achieve self sufficiency, and the limited capacity of noncustodial parents who are poor themselves to pay child support. H.R. 1471 would help address both of these issues. The assignment and distribution reforms in H.R. 1471, when fully implemented, would give an additional $1 billion per year in child support to low-income custodial parents and children, instead of to the government for welfare reimbursement, allowing these payments by noncustodial parents to make a direct contribution to their children's well-being. In addition, H.R. 1471 would provide funding for demonstration projects to improve services for low-income noncustodial parents, an area where additional research is needed. However, to bring families out of poverty, not just off of welfare, we will need to do much more to support the efforts of custodial and noncustodial parents, mothers and fathers, in the next phase of welfare reform.

The 1996 Reforms Have Substantially Improved the Child Support Program

In 1996, Congress approved sweeping reforms of the child support enforcement system, designed to make it a more automated, integrated, and nationwide system. Implementing these reforms has not been easy, and the process is not yet complete in a number of states.[2] However, preliminary data show that the new national databases, automated case processing, and enforcement tools required by Congress are making a major difference for the program—and for many children.

Between 1995 and 2000, the collection rate for cases with orders in the IV–D program doubled. In 1995, even after a support order was put in place, collections were made in only about a third (34 percent) of cases. In 2000, collections were maue in more than two-thirds (68 percent) of IV–D cases with orders. In addition, the percentage of cases with orders increased, from 57 percent in 1995 to 61 percent in 2000. Overall, collections rose by 64 percent, from $11 to $18 billion.[3]

The improvements that Congress has promoted in child support enforcement—not just in the last five years, but since the program was created—have been particularly dramatic for low-income, never-married mothers and their children. The percentage of never-married mothers receiving child support increased by more than 400 percent between 1976 and 1997, from 4 percent to 18 percent.[4] Improved child support enforcement between 1978 and 1998 has increased the incomes of single mothers by 16 percent and the incomes of single mothers with a high school degree or less by 21 percent.[5]

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[1] The *Family Ties* report is available on the web at http://www.nwlc.org/pdf/commgrnd.pdf, or on request from the National Women's Law Center or the Center for Fathers, Families and Public Policy.

[2] Several states—California, Michigan, Ohio, Nebraska, South Carolina, and the Virgin Islands—do not yet have computer systems meeting the requirements Congress established in 1988. http://www.acf.dhhs.gov/programs/cse/stsys/reviewsd.htm (last visited 6/26/01).

[3] The 1995 data are from U.S. Department of Health and Human Services, Office of Child Support Enforcement, *Child Support Enforcement: Twentieth Annual Report to Congress for Period Ending September 30, 1995*. The 2000 data are from U.S. Department of Health and Human Services, Administration for Children and Families, Press Release January 17, 2001, "HHS Announces New Record Child Support Collections," http://www.acf.dhhs.gov/news/press/2001/cse2001.htm (last visited 6/22/2001) and unpublished OCSE data compiled by Vicki Turetsky, Center for Law and Social Policy.

[4] Elaine Sorensen and Ariel Halpern, *Child Support Enforcement Is Working Better Than We Think*, Urban Institute No. A–31 (March 1999) (based on self-reports of custodial parents in the March Current Population Surveys, not IV–D administrative data).

[5] Irwin Garfinkel, *Assuring Child Support in the New World of Welfare* 10, Conference on the New World of Welfare, Washington, DC (2000).

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Receipt of child support can contribute substantially to family income. Elaine Sorensen's analysis of data from the 1997 National Survey of America's Families shows that child support accounts, on average, for 16 percent of the family income of all families who receive it. Child support represents an even larger proportion of income—26 percent—for poor families who receive it. And for poor children not on welfare, whose parents may keep all current support collected, child support provides, on average, 35 percent of family income—when families receive it. However, only 29 percent of poor children who have a parent living elsewhere live in families that receive child support.[6]

There is still plenty of room for improvement in the child support enforcement system. Although the overall trends are very encouraging, progress is uneven among the states. In 1999, the latest year for which such state-by-state IV–D data are available, the five best-performing states collected support in over 80 percent of their cases with orders, as compared to 62 percent nationally. However, in the five worst-performing states, collections were made in less than 40 percent of cases with orders.[7] Although a number of factors may contribute to differences in performance among states, the level of investment in the program plays a key role; states that make substantial investments in child support enforcement achieve better results than states that do not.[8]

It is important to continue to work to strengthen the IV–D program, and H.R. 1471 includes a number of important enforcement reforms. Title II of H.R. 1471 would require IV–D agencies to review and modify child support orders for TANF recipients every three years, and to do a complete case review for families leaving TANF to ensure that every effort is made to help them secure child support. Title IV would expand the use of passport sanctions to obtain child support, allow the tax refund intercept program to be used to collect past-due child support for children who are no longer minors, and permit the garnishment of veterans' benefits for child support in certain circumstances.

We also are pleased that H.R. 1471 does not include proposals advanced in the last Congress that would give private, for-profit collection companies access to confidential government databases and enforcement tools. Such proposals could undermine the child support enforcement program and reduce the support actually received by children, as I and other witnesses testified to this Subcommittee last year.[9]

However, even with improved enforcement by the IV–D program, the amount of child support many poor children can expect to receive will remain limited for two reasons. First, the child support payments may go not to children and parents struggling to achieve self-sufficiency, but to the state and federal governments as reimbursement for public assistance. Second, some of the noncustodial parents of poor children—mostly fathers[10]—are poor themselves, and have limited capacity to pay child support (see discussion below).

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[6] Elaine Sorensen and Chava Zibman, *Child Support Offers Some Protection Against Poverty*, Urban Institute No. B–10 (March 2000).

[7] Office of Child Support Enforcement, *Child Support Enforcement FY 99 Preliminary Data Report* (2000). Based on the 1997 National Survey of America's Families, which provides detailed data on 13 states, Sorensen found a similar disparity in performance. In the best-performing state, 30 percent of children with a parent living elsewhere who have a child support order received the full amount due; in the worst-performing state, 14 percent of children received the full amount due. Sorensen, *Child Support Offers Some Protection Against Poverty*, *supra*.

[8] Irwin Garfinkel, Theresa Heintze, and Cheien-Chung Huang, *Child Support Enforcement: Incentives and Well-Being* 14, Paper Presented at the Conference on Incentive Effects of Tax and Transfer Policies, Washington, DC (2000); Michael Fishman, John Tapogna, Kristen Dybdal, and Stephanie Laud, *Preliminary Assessment of the Association Between State Child Support Enforcement Performance and Financing Structure*, Lewin Group (2000), http://www.acf.dhhs.gov/programs/cse/rpt/cse working paper new.pdf; Vicki Turetsky, *You Get What You Pay For: How Federal and State Investment Decisions Affect Child Support Performance*, Center for Law and Social Policy (1998), http://www.clasp.org/pubs/childenforce/ncsea2.htm.

[9] Joan Entmacher, Testimony Before the Subcommittee on Human Resources of the House Committee on Ways and Means, Hearing on Child Support Enforcement, May 18, 2000, http://waysandmeans.house.gov/humres/106cong/5–18–00/5–18entm.htm.

[10] In 1997, custodial mothers represented 85 percent of custodial parents, and the poverty rate for custodial mothers (32.1 percent) was three times the poverty rate for custodial fathers (10.7 percent). U.S. Census Bureau, Child Support for Custodial Mothers and Fathers: 1997, P60–212 (October 2000).

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The Assignment and Distribution Reforms in H.R. 1471 Would Increase Child Support for Poor Children

H.R. 1471 would do much to address these fundamental issues. The distribution reforms in Title I, when fully implemented, would direct more than $1 billion a year in additional child support to low-income families,[11] increasing the economic security of children and custodial parents and encouraging noncustodial parents to pay child support.

When the federal-state child support program was established in 1975, its primary goal was to reimburse public welfare costs. Families receiving public assistance were, and still are, required to assign their rights to child support to the state. But, from the beginning, the program also served families not receiving public assistance, and, over time, the proportion of families served by the IV–D program who were not receiving public assistance grew. Today, families receiving Temporary Assistance for Needy Families (TANF) represent only about 20% of child support cases. However, most of the families served by the program are low and moderate income; over 75% have incomes below 250% of poverty.[12]

The child support program thus has two often competing goals: recovering government welfare costs and securing child support for children, or, in the words of the American Public Human Services Association, "retaining collections from and giving collections to families."[13] Attempts to reconcile these conflicting objectives have spawned a complex system of rules governing the distribution of collected child support that is costly to administer, virtually impossible to explain, and deeply frustrating to low-income mothers and fathers who want child support to go to children.

As the participants in our Common Ground project explained, the continued emphasis on using the child support system to reimburse the government can deprive children of the child support they need, generate hostility toward the child support program, and create tensions between parents. Mothers are frustrated that they are not receiving help from the father; fathers are frustrated because they are making payments, but their efforts are not making a difference for their children. And the effects of these policies can be felt by families even after they leave TANF and are entitled to receive current support payments. In some circumstances, most notably when child support is collected through intercepting federal tax refunds, child support collections will go to repay government arrears before the family's, even when the family is struggling to avoid a return to welfare. And the burden of repaying large debts to the government—for Medicaid reimbursement or past public assistance—may interfere with the ability of a low-income father to make current support payments.[14]

Changing the distribution rules must be a key element of any effort to promote responsible fatherhood. Fatherhood programs will have a hard time persuading low-income fathers that they should pay child support through the formal child support system because "it's good for your kids," if little if any of the money they pay goes to their children, as the experience of the Parents Fair Share program suggests.[15] In addition, the results of Wisconsin's child support experiment show that changing the rules so that child support goes to children increases both the amounts that mothers receive and that fathers pay.

In Wisconsin's W–2 program, for most custodial parents receiving cash assistance, all child support paid was passed through and disregarded in calculating their grant. A randomly assigned control group received only a partial pass-through and disregard of child support. Comparing those in the full pass-through group with a control group receiving only part of what is paid, researchers found that:

- mothers received more child support;
- fathers were more likely to pay child support;
- the largest effects were for cases new to the welfare system, suggesting that the impacts would be even greater in the future as the proportion of new cases grows; and

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[11] NWLC calculations based on preliminary CBO estimate of the federal budget effects of the Child Support Distribution Act of 2000, H.R. 4678, as passed by the House September 7, 2000, which is virtually identical to H.R. 1471.

[12] U.S. Department of Health and Human Services, ASPE, *Characteristics of Families Using Title IV–D Services in 1995* (May 1999). See also Vicki Turetsky, *What If All the Money Came Home?*, Center for Law and Social Policy (2000), http://www.clasp.org/pubs/childenforce/pilr2300.htm.

[13] American Public Human Services Association, *Crossroads: New Directions in Social Policy* 59 (2001).

[14] *Family Ties*, *supra*, at 9–11.

[15] *See* Earl Johnson, Ann Levine, and Fred Doolittle, *Fathers' Fair Share: Helping Poor Men Manage Child Support and Fatherhood* 93 (1999).

- there was little or no overall government cost, because the money no longer retained by the state was offset by other savings in government programs.[16]

Title I of H.R.1471 would help move the child support program away from cost recovery and toward family support in three important ways. First, it would simplify the assignment and distribution rules, and give families that left TANF first claim to the child support paid on their behalf. Second, it would give states more flexibility to adopt the child support pass-through and disregard policies that promote their welfare reform goals. It would not require states to pass through child support to families receiving TANF. However, to the extent that a state chose to pass through child support to families receiving TANF and disregard the support in calculating the amount of assistance, up to a certain limit, the federal government would forgo the federal share. Third, it would direct states not to use the child support system to collect Medicaid birthing costs—the type of impossibly large state debt, unrelated to ability to pay, that can make it difficult for low-income noncustodial parents to make current support payments, and discourage them from even trying.

These changes would have multiple benefits for parents, children, and the child support system. The extra money—over $1 billion a year when the changes are fully implemented—could make a real difference for low-income custodial parents and children. And beyond the money, both parents and children would have the satisfaction of seeing the child support payments made by noncustodial parents contribute directly to their children's well-being. The simplification in the assignment and distribution rules also would reduce administrative costs for states, and errors and delays in getting child support to families once they have left welfare.[17]

There are additional advantages to be gained by enacting the distribution reforms in H.R. 1471 this year, rather than waiting for TANF reauthorization. Simplified distribution rules will save states that are still developing their statewide child support computer systems, most notably California, time and money in system development. States will be able to plan for and adjust to these reforms before they have to deal with all the other changes TANF reauthorization will bring. And states that want to implement distribution reform quickly will be able to do so.

H.R. 1471 Would Fund Demonstration Projects Serving Low-Income Noncustodial Parents

Improving child support enforcement and giving child support to children will help many low-income parents and children. But when both parents are poor, income transfers between parents, and even marriage, will not provide parents with the resources they need to give their children a better life.

The focus of this hearing is on "fatherhood proposals." But before turning to such proposals, I would emphasize the need to improve services for *both* parents to increase their ability to provide support to their children, as participants in the Common Ground project recommend.[18] Although many custodial mothers have left welfare and found jobs since PRWORA was adopted, many are still poor or near poor.[19] Indeed, the disposable incomes of the poorest fifth of single mothers declined between 1995 and 1999.[20] The jobs most women who leave welfare find are typically low wage, lack benefits, often have nonstandard hours, and offer little stability or room for advancement.[21] To bring children out of poverty, not just off of welfare, we need to do more to increase the earning capacity of custodial and noncustodial parents, mothers and fathers, in the next phase of welfare reform.

But while services for both parents need improvement, there is clearly a difference in the amount of research available on the effectiveness of strategies for serving low-income custodial parents, mostly mothers, as compared to the effectiveness of strategies for serving low-income noncustodial parents, mostly fathers.

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[16] Daniel Meyer and Maria Cancian, *W-2 Child Support Demonstration Evaluation Phase 1: Final Report*: Executive Summary, Institute for Research on Poverty, University of Wisconsin (2001), http://www.ssc.wisc.edu/irp/csde/phase1-vol1-es.htm.

[17] *See Crossroads*, *supra*, at 60–61.

[18] *Family Ties*, supra, at 12 and 28.

[19] Richard Wertheimer, *Working Poor Families with Children: Leaving Welfare Doesn't Necessarily Mean Leaving Poverty*, Child Trend Research Brief, May 2001.

[20] Wendell Primus *et al.*, *The Initial Impacts of Welfare Reform on the Incomes of Single-Mother Families* viii–x, Center on Budget and Policy Priorities (1999).

[21] See, e.g., Julie Strawn and Karin Martinson, *Steady Work and Better Jobs: How to Help Low-Income Parents Sustain Employment and Advance in the Workforce*, Manpower Demonstration Research Corporation (2000); Pamela Loprest, *How Families That Left Welfare Are Doing: A National Picture*, New Federalism: National Survey of America's Families, The Urban Institute, Washington, D.C. (Aug. 1999), http://newfederalism.urban.org/html/series_b/anf_b1.html.

There is a large body of research, spanning decades, on welfare-to-work strategies targeting custodial mothers. We now know much more than we did a few years ago about the circumstances of noncustodial fathers.[22] We know that some noncustodial fathers have very low or irregular earnings, limiting their capacity to provide adequate, regular child support.[23] Indeed, research into the circumstances of "fragile families," is finding, in the words of researcher Sara McLanahan, that new unmarried parents are alike in having "high hopes" for their children—but "low capacities" to provide for them.[24] However, there is only one completed evaluation of the effectiveness of a program targeting low-income noncustodial parents, the Parents' Fair Share Demonstration. Although some other projects are underway, and will be evaluated, there is a need for additional demonstration projects to identify the best ways to help this large, diverse, but difficult to reach population.

H.R. 1471 would provide funding for a competitive matching grants program for projects designed to promote marriage, successful parenting, and to help fathers and their families avoid or leave cash welfare and improve their economic status. Services must be directed to low-income parents: fathers (and, under the nondiscrimination clause, mothers) of children who are or recently have been TANF recipients or whose own income is less than 150 percent of poverty, or, for up to 25 percent of participants, who are at risk of parenthood outside of marriage. Grantees must make available to each participant information about the causes of domestic violence and child abuse and local programs to prevent and treat abuse. In the competitive grant process, preference is to be given to programs that, among other things, offer specific methods to encourage or sustain marriage; have plans for actions to encourage or facilitate the payment of child support; have cooperative agreements with other private and governmental agencies, including the state TANF, child support, and child welfare agencies, the local workforce investment board, and community-based domestic violence programs; and have clear strategies for recruiting participants, especially new parents. The bill provides funding for an evaluation of projects by HHS, in consultation with the Department of Labor, to assess their effects on marriage, parenting, employment, earnings, payment of child support, and incidence of domestic violence, using random assignment whenever possible.

We welcome the emphasis in H.R. 1471 on encouraging demonstration projects that serve low-income parents, have strategies for increasing payment of child support, work in partnership with other government and community agencies, and address domestic violence. We understand that many Members of Congress, in addition to increasing emotional and economic support for children from both parents, want to promote marriage. Indeed, marriage is a goal and a value shared by many low-income parents.[25] There is a risk, however, that requiring grantee projects to promote marriage too aggressively or too early may make it more difficult to reach the parents who need services the most, or encourage relationships that pose risks to the other parent or child.[26] Programs that focus on helping young parents to improve their job prospects, nurturing, and relationship skills, and address domestic

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[22] There is little research about the circumstances of the 15 percent of noncustodial parents who are mothers.

[23] For a summary of earlier research on noncustodial fathers, see Irwin Garfinkel, *et al.*, *A Patchwork Portrait of Nonresident Fathers*, in *Fathers Under Fire: The Revolution in Child Support Enforcement* at 31–60 (Irwin Garfinkel *et al.*, eds., 1998). For more recent research *see, e.g.*, Elaine Sorensen and Chava Zibman, *Poor Dads Who Don't Pay Child Support: Deadbeats or Disadvantaged?*, Urban Institute No. B–30 (April 2001); Fragile Families Research Brief No. 3, *Unwed Fathers, the Underground Economy, and Child Support Policy*, Bendheim-Thoman Center for Research on Child Wellbeing and Social Indicators Survey Center, Columbia University (January 2001).

[24] Sara McLanahan, presentation at the Brookings Institution, Stakeholder Seminar, Welfare Reform and Beyond, June 18, 2001. *Compare* Aurora Jackson, Marta Tienda and Chien-Chung Hun, "Capabilities and Employability of Unwed Mothers," 23 *Children and Youth Services Review* 327–351 (2001), with Lauren Rich, "Regular and Irregular Earnings of Unwed Fathers," 23 *Children and Youth Services Review* 352–376 (2001).

[25] Maureen Waller, "High Hopes: Unwed Parents' Expectations About Marriage," 23 *Children and Youth Services Review* 441–469 (2001).

[26] Most of the unwed parents in the Fragile Families study were involved in a relationship with each other at the time of the birth of their child. However, among men who were no longer involved in a relationship with the mother, the reported incidence of substance abuse, mental health problems, and domestic violence was substantially higher. Melvin Wilson and Jeanne Brooks-Gunn, "Health Status and Behaviors of Unwed Fathers," 23 *Children and Youth Services Review* 377–401 (2001). *See also* Kathryn Edin, Testimony Before the Subcommittee on Human Resources of the House Committee on Ways and Means, Hearing on Welfare and Marriage Issues, May 22, 2001, http://waysandmeans.house.gov/humres/107cong/5–22–01/5–22edin.htm.

violence—as some have put it, making them more marriageable[27]—may do more to promote good marriages than encouraging marriage before parents are ready. We hope that this Subcommittee will make it clear that such programs are eligible for funding under H.R. 1471.

H.R. 1471 will do much to help low-income mothers and fathers who are struggling to provide for their children. A similar bill, H.R. 4678, passed the House last year with an overwhelming, bipartisan vote of 405–18. We hope this subcommittee will act quickly and favorably on this proposal.

Chairman HERGER. Thank you very much for your testimony.

Now to inquire, the gentleman from Oklahoma, Mr. Watkins.

Mr. WATKINS. Thank you, Mr. Chairman, to you and Mr. Cardin for your commitment, and also to the entire panel. I have been very impressed with the sincerity and commitment. I know Dr. Haskins is truly a champion.

Welfare reform has been a truly remarkable piece of work. I think it has been one of the things that has really changed society. I totally agree with Dr. Johnson about employment.

Three of four of you have talked about employment, and that is what I have been all about in my years of public service is the fact that I think without question, the destruction of many families has come about because they have had to go and search for other jobs. I probably am a little harder about this than most people, and I ask forgiveness of my Committee here and I apologize to you, but I was born in dirt-poor poverty and my family had to leave Oklahoma and go to California three times before I was 9 years of age. It destroyed my family, and my father became an alcoholic and died as an alcoholic. My mother raised three of us children on a dirt-poor farm, and I had to work three part-time jobs to get an education. So I know the importance of that work.

I also had to work my way through college to get a college education. So it can be done.

So I probably take a harder nose on this than I should be, and I apologize for that. That is why I like to say we each have to accept some responsibilities as we go along. I am not saying that is the whole answer, but working and providing some work. You are right. Child support is not near the amount that it should be, and many times it is misused, a lot of times. Most cannot make it on child support, but the person that is responsible for bringing that child into this life should be responsible and should be also working to make some payments, whatever that job is, for the community or wherever it may be.

I think we found that out in welfare reform, and I know my father did not pay child support. Lots of times, we did not know where the next meal was coming from.

So I apologize for being a little stronger about this, but I think let's do not miss that dimension; that we have to try to make sure we provide the jobs for, yes, holding the families together, but also to provide the jobs for that person to accept the responsibility to know that they are working these hours because they have brought

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[27] Testimony of Jeffrey M. Johnson Before the House Committee on Ways and Means, Subcommittee on Human Resources, Hearing on Fatherhood Legislation, October 5, 1999, http://waysandmeans.house.gov/humres/106cong/10-5-99/10-5john.htm.

someone in the world and they are going to have to help pay for, the responsibility for that child's life.

So I do not disagree with the testimony I have heard here at all. I think it is great, and let me say again the welfare changes have been marvelous, just tremendous. Maybe we need to tweak the child support situation more around work and some responsibilities along that line.

So thank you very much for what you are doing each and every day and for your testimony.

And, Mr. Byrd, may you have God's speed. It takes a lot of strong will. My mother used to say, "Wesley, if you have a will, there is a way."

Chairman HERGER. Thank you, Mr. Watkins. Mr. Cardin to inquire.

Mr. CARDIN. Thank you. Thank you, Mr. Chairman, and let me thank all the witnesses for their testimony. I particularly want to thank Mr. Byrd for being here, not just because you come from, as Mayor O'Malley says, the best city in America, Baltimore, but that you give a face to the issues.

A lot of times, we talk about statistics, number of people that are impacted in the policies here, and we never get to see the people that are individually impacted. We thank you for being here because you add a dimension to this hearing that is very important for us to see and here.

Dr. Johnson, I take it from your testimony—and I would like you to respond a little more to this—that to the extent that the noncustodial parent, the father, is employable or has a skill means it is more likely that the mother would consider the father a candidate for marriage. Is that a positive correlation?

Dr. JOHNSON. That is a definite positive correlation, and it has been made by sociologists. It is being made by economists right now. When fathers are made marriage-able, they are attractive marriage mates.

It is interesting. We did have an opportunity to bring some young fathers from Mr. Jones' program before the Committee when Mr. Shaw was Chair, and one of the young men indicated, asked Mr. Shaw, "Would you want your daughter to marry me?," looking at his situation. In a situation where he was trying to do the best he could, he had had some challenges in his life, and that he really needed to get those things together to make himself attractive. I think the thing that is often overshadowed sometimes is the young father's willingness to be the best man he can be, to be the best father he could be, and to also in the future be a good husband.

I can recall when my older brother—I am from the Detroit area originally. I have been in this area about 22 years. When he got his first job at Ford Motor Company, when those jobs were available, I can remember him getting the phone call from Reverend S.L. Roberson from the Ford Motor Company down the street from me, and he said that once he got the call that he was going to get him a car, get him an apartment, and he might even get married because he made a positive correlation between his financial stability and being able to make those type of choices. I think that given the chance—I think that Mr. Byrd said, do not look at the cover of the book, look at what is inside of the book, and here is

a man trying to do the best for himself, trying to do the best for his family, but we need programs like the Center for Fathers, Families and Workforce Development in place to create an on ramp for people like Mr. Byrd so that they can reach their dreams and be the best parents to children as possible.

Mr. CARDIN. Thank you for that response.

Dr. Haskins, it is a pleasure to have you return to our Committee, and I, once again, want to congratulate you on your public service. You have reason to be proud, as we are proud, of the accomplishments that we have made in reforming our welfare system and our child support system, and you were by far one of the key individuals. So I applaud you for that and congratulate you on your public service.

I think my list, though, is longer than two in modification of the 1996 law. I am one of those who supported those.

Dr. HASKINS. Yes, but you have more than 5 minutes, Mr. Cardin.

[Laughter.]

Mr. CARDIN. That is true, also.

Let me also point out, I know that your quip about marriage and Republicans—let me just tell you that I have been married for 36 years, and my spouse and I are both Democrats. So there are Democrats who do believe that marriage is a very important institution.

But let me just caution you that we support—the Democrats support, and I think there is a bipartisan agreement, the importance of marriage and the importance of two-parent families, but we also as Republicans have a concern about spousal abuse and child abuse. We are concerned about safety of families. We want to make sure that our policies are the right policies for families.

You made a very interesting point, and I think it is worth emphasizing. For a while, our policy was cost recovery. Now it is really family support and bringing the family together. It is really nice to see that from all sides, there is agreement that passing through child support makes sense.

If you could just clarify for me why did we—we put families first for families that left welfare on just about everything except for the tax intercept program. Why didn't we give them access to tax intercepts in 1996?

Dr. HASKINS. In the 1996 legislation?

Mr. CARDIN. Yes.

Dr. HASKINS. Oh, very simple answer. The Senate would not accept giving the entire amount to the families. So staff in the middle of the night was casting about trying to figure out a way that you could plausibly, logically divide up the money, and we received information that about half the money came from the tax intercept. So we used the tax intercept. States get to keep all collections from the tax intercept, and the rest goes to the family. That is 100 percent of the reason. It was just a convenience, and as many things that staff thinks up in the middle of the night, it cluttered up the——

Mr. CARDIN. It just goes to show you should not work in the middle of the night.

Thank you, Mr. Chairman.

Chairman HERGER. Thank you very much, Mr. Cardin.

I want to thank each of our witnesses.

Mr. WATKINS. If I might make one comment. We are talking about self-esteem here, trying—and what do we do, Mr. Chairman, to help young men and young women develop a self-esteem that they can achieve and they can do those things, and that is inside. You can hardly measure that commitment or that determination to do that, and how we can help our young people develop more self-esteem is going to be very crucial for us to succeed.

Chairman HERGER. A very important point. Thank you.

Mr. Byrd, again, it is good to have each of our witnesses. It is particularly—I want you to know that we particularly appreciate you being here. You had mentioned how you were a little nervous. I think everyone is a little nervous who perhaps is here, and, again, I commend you.

I would like to have you respond, if you would, to what perhaps you have learned through the fatherhood program that you are involved in, do you feel you have changed in any ways because of that, and what are your hopes for the future.

Mr. BYRD. Well, actually, through the fatherhood programs, I actually learned a couple of things about myself, and the day someone directed me, it was like some things I do—I still have a little immaturity in me, and I kind of like thought that I—I honestly tried to like not look at it, but then I thought about it. Some things I do, do, it is kind of immature. Then, hopefully, in the future—well, actually, I will actually look at—when I get out of school, maybe I might join a branch of the government and then I am looking to buy a computer. I was up in the Families Helping Families Center, looking at the computers they had up there, and maybe in the future—I was thinking about—they kept like haggling me about getting married, and marriage was not something I wanted right now. It is something that I look for in the future, but as you look at it, a lot of people you see married, and you are like, "I will see this person for the rest of my life," and it is like you really got to think on it because you do not want to rush into nothing and that you cannot get out of, and then marriage is a big responsibility. It is just like when you have a kid. You always got that person. You always know you have to look after that person. That person is going to be there for you.

Chairman HERGER. Thank you.

Mr. BYRD. A lot of things I did learn was that if you are down and you are trying to help yourself, if people see you helping—if you struggling and you need help and you are not trying to help yourself, no one is going to help you, but if you ask for help and someone will help you if they see you are trying to help yourself. Nobody is going to help you if you are not trying to help yourself, and you cannot do—nobody cannot make you do something you do not want to do. If you are going to do it and you ask for help, they are going to give you the proper guidance and the proper assistance for you to do whatever task that you are trying to complete.

Chairman HERGER. Good. Thank you very much, Mr. Byrd.

Again, I want to thank each of our witnesses for your fine testimony this afternoon. I trust that each of you would respond to additional questions on these issues for the record. It has been a very

informative hearing on an issue that is important to members of this Committee and to the President.

With that, this Committee stands adjourned. Thank you.

[Whereupon, at 3:32 p.m., the hearing was adjourned.]

[Questions submitted from Chairman Herger to the panel, and their responses follow:]

National Council of Child Support Directors
Richmond, Virginia 23219
July 11, 2001

Hon. Wally Herger, Chairman
Subcommittee on Human Resources
U.S. Committee on House Ways and Means
1102 Longworth House Office Building
Washington, DC 20515

Dear Chairman Herger:

Thank you for the opportunity to respond to the Subcommittee's follow-up questions to testimony I presented on June 28. The following responses are presented in the order of the questions in your June 29 letter.

Q. A general trend several witnesses cited is the progression away from a child support system focused on cost recovery to one that promotes family self-sufficiency. What are some innovative programs Virginia has developed that promote the goal of self-sufficiency for families? How about other States? What implications does that have for your office in terms of administrative workload? Expense? How have those issues been addressed?

A. Since the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, additional emphasis has been placed on the importance of children having the financial and the emotional support of both parents. Programs that provide services such as education and training, job placement, parenting classes, and mentoring are now viewed as critical to helping low-income children escape poverty.

Because welfare today is time-limited and child support is becoming a key family resource, our focus has shifted somewhat from a cost recovery program to one of preparing both parents to take responsibility for the support of their children. In Virginia's child support enforcement program, we are involved in several innovative programs that vary by community in promoting self-sufficiency. For example, we have fourteen of our seasoned child support staff co-located in the local social service agencies. This offers the customer "one stop shopping" in that they can communicate with their eligibility worker about benefits, and can communicate with the child support worker to provide critical information that will assist our staff in locating the noncustodial parent, establishing paternity and a child support obligation, and collecting their support order. This co-location also provides an opportunity for information sharing and program understanding between the child support worker and the social service worker. In other areas where co-location is not feasible, we have child support staff who appear periodically at service points to facilitate child support services for both custodial and noncustodial parents.

Virginia is fortunate in that we are an administrative state, which allows us to more efficiently process child support cases rather than going through the courts. We issue 75 percent of all orders administratively and preclude further judicial action, unless requested by either party. This provides for services that are quicker, requires no lawyers or judges, and gets the child support moneys to the custodial parent much faster than if we had to process all actions through the courts.

We know that many noncustodial parents take seriously their responsibility to pay child support regularly. For the majority of parents who do not readily meet their financial obligations, enforcement tools such as income withholding, driver's license revocation, or passport denial will encourage parents to meet their financial obligations to their children. However, for a small minority of noncustodial parents, even tougher enforcement tools have been utilized. In Virginia, we have implemented enforcement tools such as vehicle booting. As described in my testimony of June 28, 2001, this enforcement technique was first utilized in Virginia in 1998. Since it's inception, more than $420,000 has been collected from 79 bootings.

Another enforcement remedy, which is used, by Virginia and other states is our KidsFirst Campaign which was first implemented in 1997 and offered limited amnesty to 57,000 of our most egregious support evaders. To date, Virginia has collected more than $150 million in past due child support as a result of this initiative.

This initiative enhanced our rapport with the law enforcement community and with the judiciary.

Many of our courts utilize alternatives to incarceration such as work release or in home incarceration. These programs allow the noncustodial parent to avoid jail time by continuing to work and meet their child support obligation as well as making them available to provide emotional support to their children. This alternative is a savings to the taxpayer and contributes to the self-sufficiency of the family.

Unique enforcement remedies, such as the two mentioned above, serve us well in that they educate the public about child support services that are available, the resulting press encourages other noncustodial parents to pay their support to avoid these enforcement remedies and the resulting child support payments assist the families in becoming self sufficient.

Several states, including Virginia, are involved in grants that identify barriers to custodial parents applying for child support services and also barriers to noncustodial parents contributing financial support to their children. Since these studies have just recently begun, I am not prepared to discuss findings or make recommendations.

We currently have more than 70 community based fatherhood initiatives underway in Virginia. One very recent example is the result of a collaborative effort between Total Action Against Poverty (TAP) and several agencies including child support enforcement, that provides outreach to noncustodial parents under the age of 30, who are unemployed or underemployed. TAP was successful in obtaining a $750,000 grant from the Charles S. Mott Foundation to target this populace in the Roanoke, Virginia area. This grant will provide a child support worker at the district office to identify fathers who might be eligible for the program and refer them for services to enhance their job skills, help them secure jobs and encourage them to become more involved in their children's lives. One caveat to participate in this program is to ensure the fathers acknowledge paternity and pay their child support on a regular basis.

Many states, including Virginia, have entered into partnerships with local Head Start associations. We provide literature regarding child support services and periodically speak to Head Start participants about our services and the importance of both parents being involved in the financial and emotional upbringing of their children.

Some of our offices, particularly in rural localities, have entered into agreements with faith-based organizations, community partners, employers and local social services agencies under the Workforce Investment Act. This partnership provides another opportunity to distribute information on child support services and assist both custodial and noncustodial parents in accessing these services.

Our core responsibility is to collect and disburse child support, and we will continue to focus our efforts in that role, remaining mindful that our partnerships with agencies such as those listed above are crucial to furthering the self-sufficiency of families. Unfortunately, our caseloads continue to increase, and we must remain flexible in managing our resources while staying focused on our primary mission, which is child support enforcement.

Q. The Department of Health and Human Services preliminary 1999 child support data tells us that collections were made in over six million Title IV-D cases, up from 4.5 million in 1998. What actions can Congress take to help States further improve the percentage of child support collections?

A. The Personal Responsibility Work Opportunity Reconciliation Act 1996 (PRWORA) provided states with powerful new tools to assist in the collection of child support. The National Directory of New Hires and the Federal Case Registry provide information not previously available to states in their collection efforts. These new databases have allowed states to increase the level of automation in their statewide computer systems. The combination of the new tools and the improved automation are primarily responsible for the increase in the percentage of collections. Even for states, like Virginia, which have met all the requirements for PRWORA, there is more that can be done to increase the level of automation and improve on the use of the new tools.

There are two things Congress can do to help states further improve the percentage of child support collections. One is to extend the deadline for using the 80 percent enhanced funding for child support computer systems. Congress designated a pool of 80 percent federal funding to assist states in meeting these requirements. The deadline for using the 80 percent funding is October 1, 2001. Many states will not be able to use the full amount of the 80 percent money allocated to them by the deadline.

Extending the deadline to October 1, 2005, will allow states to take full advantage of enhanced funding to improve and enhance the PRWORA mandates.

The second is to refrain from making major changes to the child support program until the full benefits of the existing laws are realized. In other words "stay the course." Although passed in 1996, the PRWORA changes were numerous and complex. States continue to expand and increase their use of the new tools and laws. Major changes to the program would divert valuable resources and prevent states from continuing their effort to make full and complete use of the tools provided by PRWORA.

Q. How do States handle the issue of access and visitation, especially by divorced fathers?

A. The Grants to States for Access and Visitation Grant Programs (A&V) are demonstration grants funded by the federal government in an effort to increase parental involvement of noncustodial parents in the lives of their children. Specific activities such as parent education, counseling, visitation, development of parenting plans and mediation, are eligible for funding. States are given oversight, monitoring, and evaluation responsibilities for utilization of grant funds. Some states are further along with their A&V programs, while others are just beginning to implement programs to increase parental involvement.

Allocations are made to each state from a $10 million appropriation. Each state must submit an application annually and provide a ten percent match to receive the funds.

Each state is given the leverage to explore initiatives and determine how families can benefit best from A&V funds. States administer A&V programs based on the prevailing needs of their respective populations.

Across the country, A&V programs are administered in different ways. In California, A&V funds are used to help finance a statewide-supervised visitation program. Missouri uses A&V funds to administer a statewide mediation program for its citizens. One year, the State of Michigan used A&V funds to develop an excellent two-part parent education video presentation that demonstrated to fathers how to effectively get involved with their children.

In Virginia, A&V funds are used to help finance community-based programs, some of which are quite unique. In Northern Virginia, a program that provides mediation, counseling, and education services to teenage parents, primarily Hispanic, benefits from A&V funding. A parent education and visitation program for incarcerated noncustodial parents in Williamsburg, Virginia and surrounding counties received A&V funding. In Newport News, A&V funding is used to help noncustodial parents, who may have fallen victim to substance abuse or incarceration, regain custody of their children. In Winchester, Virginia and surrounding counties, a parent education program where divorced parents are the predominant population served, A&V funds are used to foster healthier relationships between divorced parents and their children. Children also attend this program. At least four supervised visitation centers across the Commonwealth receive A&V funding.

We do not have information available on specific state efforts to target divorced fathers. Typically, divorced fathers are included in parent education, mediation, visitation, and counseling services offered under A&V programs.

Q. On the issue of penalties on States that fail to meet the administrative standards for their child support systems, I note you have a proposal on Page 6 of your testimony. (Currently California, Michigan and South Carolina are in penalty.) Could you give us more information about the proposal you described? Relieving penalties in this way would have the effect of raising federal spending as the current penalty is subtracted from federal funds sent to the States to operate their child support systems. Do you have any idea how much this proposed change would cost? Are there other suggestions in this vein?

A. As I described in my written testimony to the Subcommittee, the National Council of Child Support Directors (NCCSD) supports a policy that allows a state, which is under automation penalties, to reinvest those penalties into program improvements and system compliance. You requested more information on that proposal. Therefore, I am including the full text of the NCCSD resolution describing this reinvestment approach. I am also including resolutions passed by the National Governor's Association (NGA), the American Public Human Services Association (APHSA) and the National Conference of State Legislatures (NCSL), all of which support the same proposal for penalty reinvestment.

You also asked about the potential costs to the federal government of the reinvestment proposal. It is difficult to know any exact costs of reinvestment because penalties are in place only as long as a state remains out of compliance with system requirements. Once a state incurring penalties comes into compliance, the penalties end. Second, any Federal costs will depend on how much a state elects to reinvest into its program and system development. Under the proposal described above, the

penalty base is adjusted by the amount that a state spent for information technology in the previous year. Thus, any potential costs would depend on the amount that states incurring penalties are expending on information technology costs. What is known is the estimated penalty amount that states which are currently incurring penalties will pay in this budget year: South Carolina: $5.3 million; Michigan: $38.7 million; and California: $111 million. The estimated amounts for the next fiscal year are: South Carolina: $6.4 million; Michigan: $46.8 million; and California: $152 million. Importantly, under this proposal any penalty amount reinvested is going directly into the Child Support Program to support system and program improvements.

Finally, you inquired about other reinvestment suggestions. One proposal currently calls for the establishment of a "base year" for both penalty amounts and reinvestment amounts. Under this concept the "base year" would be the fiscal year *before* the penalty was applied. The amount the state spent in that "base year" would be used to calculate the penalty for every year the state is under the penalty. In addition, the amount of the state's general fund spent in the *previous fiscal year* that is in **excess** of the amount of the state's general fund spent in the "*base year*" would be available for reinvestment. If reinvested in the IV–D program, the state's penalty would be reduced by the amount reinvested. This approach clearly corrects the unintended consequence of penalizing someone for trying to fix a problem. For example, California's penalty increased by 48.4 percent ($36.2 million) this year alone just because it has increased program spending. In Michigan, the penalty increased by 29.97 percent ($11.6 million) due to increased program spending. In South Carolina, spending did not significantly increase due to the state being in mediation with its contractor. South Carolina expects spending to increase in the next fiscal year in the 20–30 percent range. The cost of the reinvestment component would be based on whatever the states choose to reinvest up to the total amount of the penalty.

Q. Is Virginia promoting fatherhood programs through your State's child support office? Are these programs receiving support through TANF funds? What do other states do in terms of fatherhood program funding?

A. In Virginia, the Division of Child Support Enforcement (DCSE) partners with the Virginia Fatherhood Campaign (VFC) through a Memorandum of Understanding between the two entities. DCSE grants funds to VFC for the purpose of promoting responsible fatherhood throughout the Commonwealth. VFC accomplishes this through seed grants to community Fatherhood programs, workshops for service providers, media advertising, printed materials and brochures for dissemination to the general public. DCSE employs a Fatherhood Coordinator whose responsibilities include educating the public about the child support program and fostering positive working relationships between community Fatherhood programs and DCSE. DCSE district offices are encouraged to collaborate with community Fatherhood programs.

In Virginia, TANF accounts for 100 percent of the funding granted to VFC through the Memorandum of Understanding between DCSE and VFC. In other states, TANF funds can and are used as well as combinations of TANF and State General Funds.

Q. In his testimony, Ron Haskins raises the issue that, as the welfare caseload declines, there are fewer potential child support collections for parents on welfare. This, as you know, has traditionally been a partial funding source for operating child support programs—when States retain and share with the federal government collections for parents on welfare. Aside from simply expecting the State or federal governments to provide more funds to fill this gap, do you have any other creative ideas for addressing this problem, which is likely to be with us for a long term?

A. There are no easy answers to the issue of funding the child support program in the face of decreasing collections for parents on welfare. A small piece of good news is that for the first time in several years, these collections in Virginia did not decrease. The National Council of Child Support Directors (NCCSD) recently conducted a survey of child support directors to solicit funding ideas. Some thoughts included increasing Federal Financial Participation (FFP) to 75 percent and eliminating the state share of retained collections, developing creative ways to use TANF block grant dollars to fund the child support program, and perhaps up-fronting the federal share of program costs instead of reimbursing costs after the fact. Any new concept will require additional analysis and study to assess the impact. NCCSD encourages Congress to work with states, OCSE and professional organizations to develop a viable funding structure to ensure adequate and stable funding for this critical program. NCCSD recently developed a resolution on funding for the child support program. The recommendations are repeated here.

The federal Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services (OCSE) and Congress should provide for full and sustained Federal Financial Participation (FFP) for all aspects of the Child Support Program at current or enhanced levels.

Congress should ensure the continuation of 90 percentage FFP for genetic testing.

Congress should amend federal law to extend the use of 80 percent FFP to October 1, 2005, for enhancements to automated systems required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, including implementation of the medical support notice which is required by federal regulations issued in March 2001.

When states are required to implement new mandates, or make substantial revisions to existing program requirements, Congress should provide enhanced FFP to reduce the impact on the states' child support budgets.

To ensure timely and consistent implementation of any of the Medical Child Support Working Group's recommendations that require State child support agencies to assume new responsibilities, Congress should provide enhanced 90 percent FFP for medical support activities for a limited 5-year period.

OCSE and Congress should work with state IV–D Directors to identify methods for ensuring that stable and adequate levels of investment in the program by federal, state, and local governments advances the child support program's evolving mission and improves outcomes. This investment should reflect overall trends and future directions in the nation's human services delivery system rather than a point-in-time analysis, and adhere to a set of principles that properly relate funding approaches to program needs, goals and performance.

Again, thank you for the opportunity to provide additional information on your questions.

If I may provide additional information, please call me directly at (804)692–1501.

Sincerely,

Nathaniel L. Young, Jr.
President

National Center for Strategic Nonprofit
Planning and Community Leadership
Washington, DC 20036
July 12, 2001

Hon. Wally Herger, Chairman
Congress of the United States
House of Representatives
Committee on Ways and Means
Subcommittee on Human Resources
Washington, D.C. 20515

1. How do the fatherhood programs your organization operates interact with the child support system? How do they treat the issue of marriage?

Our fatherhood development programs interact with state and local child support enforcement agencies on a win-win basis. The child support enforcement agency and community-based fatherhood development program partnerships that have been developed under various fatherhood initiatives are based on the premise that the well-being of children is central to all—mothers, fathers, child support agencies, community-based organizations, other public and private service agencies, and others concerned in the community. At the core of the partnerships is the relationship between child support enforcement and community-based organizations. The challenge for these partnerships is to improve the trust and the relationships between child support enforcement and community-based organizations necessary for the child support program to exercise state flexibility provided under PRWORA. This must be done in a way that is consistent with the state's fiscal character.

In order to accomplish this under the Partners for Fragile Families (PFF) Demonstration Project, NPCL created a Peer Learning College that includes child support enforcement representatives from a number of state child support enforcement programs. The Peer Learning College provides a forum for child support professionals to learn about the issues faced by low-income fathers and by community-based fatherhood development programs designed to serve them and find ways to interact with them and other public/private service agencies attempting to serve low-income fathers and their fragile families. An important part of the curriculum

has been the participation of young fathers and community-based fatherhood practitioners in all six sessions over the past three years.

NPCL has also held extensive orientation and training for community-based organizations around the workings of the child support system. Child support partners from the PFF sites have served as instructors for many of these sessions. NPCL has developed the expertise to coordinate the various agency partnerships in serving low-income, low-skilled parents and their children.

NPCL has also invested in bringing considerable expertise, including on-board staff, around the issue of child support to serve as a resource for our community-based partners, and to enhance the capacity of our state child support partners to work more effectively with community-based agencies.

All of these efforts have reinforced the interaction between the partners and built a common level of understanding and trust. This understanding and trust has served as a platform for the partners to negotiate systems and manage the risks associated with the fathers' habilitation and participation in society.

How do they, our programs, treat the issue of marriage?

We instruct our programs that marriage is a special human relationship. We are fortunate in having a number of men and women from the clergy associated with our sites. As part of the training using the Fatherhood Development Curriculum, the sites invite experts to come in and discuss the issues surrounding marriage. When men proceed in fatherhood development programs and express an interest in marriage, we advise program staff to refer them to professionals in the field. These are often faith-based partners responsible for the institutions where a large number of marriages occur. They take the lead in this area. In our programs marriage is perceived as a success.

A. What impact has this interaction had on fathers, children, mothers, financial status of fathers, and the emotional connection between fathers and children?

In many cases it has transformed their lives. Our fatherhood development programs have seen fathers at all levels of marginalization, alienated from families and friends, and civil society. After enrollment in the programs, fathers actually confront the many challenges to changing their lives and reconnecting with their families and their children. Many have been able to surmount the challenges, become financial contributors to their children, establishing paternity and paying their child support, and most importantly, emotionally attached and positively involved in the lives of their children. Consequently, they enjoy recreational activities with their children, participate in family outings and are engaged in their child's nurturing, educational and developmental processes. Their emotional involvement has also meant a singular reluctance to engage in activities that would place them in jeopardy of returning to their previous status and placing their children at risk.

2. How do programs work with noncustodial fathers to help them better connect emotionally with their children and their children's mothers?

Our programs are designed to meet the multiple service needs of fathers. Their operations are based on Fatherhood Development: A Curriculum for Young Fathers. The curriculum was field-tested in Public/Private Ventures' Young Unwed Fathers Pilot Project (see attachment). Through a series of approximately 25 streetwise discussions that provide support, information and motivation in the areas of life skills, personal development, parenthood, relationships, sexuality and responsible fatherhood, young fathers receive assistance so necessary to their full participation in the lives of their children. The programs are also designed to remove the social, legal, economic, cultural, and institutional barriers to their involvement in children's lives.

What positive changes have you seen?

Across the PFF demonstration sites, we have seen several instances where young men are assuming full responsibility for the direction of their lives. In one site we have seen a young Hispanic father, recently out of jail, get assistance from our program, get training and a job in asbestos removal. He is currently making well above minimum wage. He is paying his child support, and the mother of his child, who had disdained him when he was incarcerated, has allowed him to see the child regularly and has even begun dating him again. Since his involvement in the program, he stopped engaging in all at risk behavior—smoking, drinking, gang banging and selling drugs.

In another site, we had a young man who had been "in the life" for many years, engaging in selling drugs and small-time thievery, and having multiple children with the same young lady. Since his involvement in the program he has ceased all at risk activities, secured a job, and has married the mother of his children.

In still another site, a young man, recently out of high school, through participation in the program has been intimately involved throughout the pregnancy of his girl friend. He has been with her on visits to the pre-natal clinics and on visits to

the doctor, and is now talking about marrying the mother of his child. The list is long across the PFF sites. We have many success stories where young fathers, through the efforts of our programs, have transformed themselves into contributing members of the communities and wonderful fathers and role models for their children.

3. How do you bring the fathers who are "living below the radar screen, outside organized society and out of the child support enforcement system" into your programs?

When we refer to fathers "living below the radar screen, outside organized society and out of the reach of child support enforcement," we are addressing that portion of the population that we call dead-broke dads. These young men do not have attachment to the labor force. Moreover, many of them participate in the underground economy. Further, many of the young fathers we serve do not have a permanent address. They move from a relative to a friend and then back to the relative with great frequency.

For purposes of child support enforcement, establishing legal notice is difficult and often impossible. As a result of PRWORA however, the child support enforcement system can move forward even when they have not established traditional effective legal notice. This can lead to default orders with imputed incomes that are inconsistent with the father's ability to pay. Arrears accumulate and with interest up to 18% added in some states, child support debt can exceed a year's wages. If these dads do find jobs and are identified under the new hires reporting system, by the time child support enforcement can serve an income withholding order, they have lost the job.

Our programs recruit through various sources. They include Head Start programs, Alternative Schools serving young mothers, Healthy Start projects and other programs that serve low-income mothers and children. However, the best source of recruitment of these men is the mothers of their children and often the fathers own mothers. And the best method of recruitment is getting out into the community where the fathers are.

There, through word of mouth, street outreach, a need to find a job, the tireless work of outreach workers, or the desperate desire to address a child support arrearage, or because the mother of their child or their own mother has encouraged them, these clients present themselves to programs. The word on the street will be that this program can help you. It will not judge you. The program is a place where, if you put in the time and effort, staff will assist you in "straightening out your life." This is the best recruitment.

4. In your testimony, you mentioned that "the average mother on welfare receives about $33 per month in covert support from poor fathers." Please define "covert support" and tell us how you arrived at the $33 figure.

Covert child support is money, purchases, or services provided to the custodial parent by the noncustodial parent and are not reported to the child support system.

The $33 figure comes from "Poor Dads Who Don't pay Child Support: Deadbeats or Disadvantaged?" a study by Elaine Sorenson and Chava Zibman of the Urban Institute, and based on Assessing the New Federalism's 1997 National Survey of America's Families.

5. You seem to focus a lot on never-married fathers and their interactions with the child support system. Can you tell us about efforts involving divorced fathers and their willingness and ability to pay child support?

You are correct Mr. Chairman; the vast majority of our work deals with that portion of the population that is low income, low skilled, and never married. Young cohabiting couples produce **one-third of all of** America's children. That is not one-third of all poor children, one-third of all minority children, or one-third of any sub grouping that you might name. It is a fact that one third of all American children are the progeny of couples that have never been married. In addition, about a quarter of all poor children are produced by couples who are either cohabiting or couples in which the father visits the child at least once per week. These visiting relationships tend to be an important part of the parenting/living arrangements of young African American families, while childbearing within cohabitation is more typical of white and Hispanic couples.

The Partners for Fragile Families Demonstration was built on the lessons learned from 25 years of publicly and privately supported demonstrations in the field of responsible fatherhood, including the Teen Father's Collaboration, the Young Unwed Fathers Pilot Project, and the Parents Fair Share Demonstration Project. PFF was designed to augment our research by gathering first party information on the nature and substance of the relationships that exist in what we call fragile families. We started first with research to determine if these fathers fit the bad guy image, and if these children were the result of casual relationships, as we so often heard.

This population was chosen because we had consistently heard from the mothers of these children that these guys weren't bad guys, just broke. We also had heard that interaction with the child support system was a nightmare for this population. We wanted to know if specific interventions moved these couples in the direction of more traditional family formation. Could a better working relationship with the child support system serve not to place additional strain on the relationship?

Moreover, we focused on this population because it is the fastest growing family type in which poor children reside, and in many ways constitutes a new pathway into child poverty; replacing the old, namely divorce and separation of a previously non-poor, married couple household. As we move into the future, we can expect children born to fragile families to represent an increasing share of all poor children and children born to previously non-poor married couples, which later divorced leaving the mother and child alone and poor, to constitute a diminishing share of all poor children. This latter portion will simply age out of the population of poor children.

Finally, we emphasized this population because it is the population where our current welfare and child support systems are having the least success in reducing child poverty and improving child well-being, even though these systems encounter (and will continue to encounter) more and more of the children from this population every day.

I would say, Mr. Chairman that there are significant differences between the way divorced fathers and fathers in fragile families interact with families, welfare and child support systems. First, divorced fathers tend to be older and have older children. As a result, they are more experienced in the labor market and their relationships with the mothers of their children are more deteriorated. Because they have more labor market experience than fathers in fragile families, it is difficult for our current work force development systems to boost their wages above what they could already earn on their own. Demonstration projects which have focused on divorced fathers have been unable to improve the employment and earnings of these fathers and therefore unable to raise the level of the child support payments they are making. This frustrates efforts made by child support authorities to accommodate the labor market barriers these fathers face, in attempting to fulfill their responsibilities to families and taxpayers. Moreover, because these fathers are older, have older children, and older cases in the child support system, many are in arrears, and this further complicates the efforts of child support enforcement to work in a progressive way with these fathers. Finally, because their relationships with the mothers of their children have long since deteriorated, the prospects of getting the mother's cooperation in involving the father in the life of the child is diminished. Therefore, public investments with low-income divorced fathers will yield less in terms of the improved financial and emotional well-being of children.

All this argues for focusing our efforts on young, fragile families, whose educational skills, employment experiences, and family relationships are still in the process of development and still subject to positive redirection. Moreover, previous demonstrations have shown greater success in improving the employment and earnings of these fathers, and that they are less likely to have already accumulated large amounts of arrears, so that child support enforcement administrators face fewer obstacles in trying to accommodate the employment barriers these fathers face. PFF hopes to build upon this experience by examining a variety of locally based strategies to further improve their employment and earnings and by making an improved relationship between the young parents an explicit goal of our work.

6. The first attachment to your testimony ("NPCL Peer Learning College," Page 3) discusses "significant barriers to timely modifications (of arrears for low-income noncustodial parents) during periods of reduced ability to pay." What do you mean by these "barriers?" How might those be addressed?

Principal among the significant barriers is the fact that most child support programs are severely under-funded. The capacity of the child support system is insufficient to handle the caseload. Therefore it is perfectly logical that CSE programs would work on the higher priority items reflected in the new child support incentive measures.

Another significant barrier is that in the majority of our states guidelines provisions are out dated. This means that even in states that have a self-support reserve, the reserve may have been set in 1984 dollars and not updated to take into account the inflationary impact of the last two decades.

The general public—including our target population—does not know the processes and procedures by which one would obtain a modification. Downward modification, particularly from a default order may require an attorney. While a number of law

schools have long proud histories of working with low-income moms, very few work with low-income dads.

Finally, many state legislators do not know their level of flexibility in setting child support guidelines. Instead, many believe that the federal partner mandated the exact scheme that is in their state law, which is not the case.

Sincerely,

Jeffery M. Johnson, Ph.D.
President & CEO

Brookings Institution
Washington, DC 20036
July 25, 2001

The Honorable Wally Herger
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Dear Chairman Herger:

Thanks so much for inviting me to testify before your Subcommittee about child support and fatherhood. It was a great privilege to appear before your Subcommittee.

This letter is a response to the questions posed in your letter of June 29.

1. With regard to the fatherhood programs outlined in legislation such as H.R. 1471, what do you think will be the most positive effects of these programs on the communities where they are implemented? Do we have evidence about positive changes seen to date?

First, with regard to the anticipated positive effects of fatherhood programs, I think it is necessary to be humble about what can be achieved in the short run. There are numerous fatherhood programs throughout the nation, but very few have been the subject of scientific evaluations. Many of these programs are aimed at helping divorced fathers deal with issues of custody and visitation and learning how to be better fathers when they cannot reside with their own children.

However, based on the direction the Subcommittee has taken in recent years, as well as legislation enacted by the House last year, I believe that the major interest of Congress is in programs designed primarily to help poor and low-income fathers. The legislation enacted by the House last year attempted to promote programs that would help poor fathers improve their employment prospects, become better parents, and work toward marriage. There are far fewer programs of this sort, and again very few good evaluations.

Even so, in large part because of actions taken by the Human Resources Subcommittee way back in 1988, the Manpower Demonstration Research Corp. (MDRC) has conducted a rigorous experiment on the effects of a particular type of fatherhood program for poor fathers called "Parents' Fair Share." The Parents' Fair Share programs, which enrolled about 5,600 fathers in seven cities, involved peer discussion groups, employment and training services, and child support services; the goals of the programs were to increase child support payments, improve the fathers' employment and earnings, and increase the fathers' involvement with their children. The MDRC research, which is the best information available on the impacts of programs for low-income fathers, operated in the seven cities between 1994 and 1996. MDRC has now published several excellent reports on the results. Unfortunately, the results are decidedly mixed. There is little evidence of increased employment or increased contact with children, but some evidence of an increase in the number of fathers who paid child support.

These were the first major programs that attempted to help poor fathers be better providers and better parents. The history of innovative social programs is one of major failures and minor successes. Thus, the key to success is to keep trying, as the nation did with welfare-to-work programs. Although the first generation of programs for poor fathers produced only modest positive outcomes, they did show that poor fathers were willing participants and that the overwhelming majority of poor fathers indicated that they wanted to do a much better job of having contact with children and providing support for them. The fact that more poor fathers paid child support is consistent with this conclusion.

Thus, it would be wrong to assert that fatherhood programs, based on the knowledge currently at hand, can be expected to have major impacts on parenting, employment, or marriage in the short run. However, the results from the first round

of programs is not entirely discouraging. In fact, I believe that future programs may be able to produce better results, especially if they begin around the time that unmarried parents have their first child. A few programs of this type are now being designed. I believe, as do many researchers familiar with previous and current programs, that programs focused on helping these young couples, about half of whom cohabit and well over 80 percent of whom tell interviewers they are in serious, committed relationships, could produce much better outcomes than the first round of programs evaluated by MDRC.

2. States can use their TANF or even Social Services Block Grant funds to operate fatherhood programs? Just from Federal and State TANF funds, that's a potential pool of about $26 billion per year for running such programs, along with all the other cash welfare programs States run. Do we know how many States are using TANF funds for fatherhood programs? What do we know about the results?

In your letter you also asked about whether states are now using their TANF dollars to support programs for poor fathers. Here are two answers. First, based on talks with state officials and staff members with national organizations that represent state government, many states are using some TANF dollars to mount programs for poor fathers. However, as far as I have been able to find out, there is no formal survey of these programs, let alone any kind of rigorous evaluation. But as your letter implies, there is no question that states could use their TANF money to design and implement programs for poor fathers.

Second, the Welfare-to-Work program, which is also under the jurisdiction of the Committee on Ways and Means, supports many fatherhood programs. A recent report by Shannon Harper and Christine Devere of the Congressional Research Service found a total of 77 such programs. To my knowledge these programs have not been evaluated and we now have little information on whether they have been successful. It is my understanding that the Department of Labor has worked hard to encourage fatherhood programs to apply for the Welfare-to-Work funds and that they are collecting basic administrative data on these programs. It may occur to you that the Congressional Research Service could summarize what is known about these programs from administrative data. However, I doubt that the available information would provide reliable data on whether these programs have had impacts on fathers' employment, earnings, payment of child support, or marriage. Information of this type requires random-assignment experiments, like the Parents' Fair Share study conducted by MDRC, and as far as I have been able to discover no such studies of the Department of Labor programs are underway.

Having worked in this field for several years, I believe there is growing recognition that fathers are critical to adequate child development, that two-parent married families provide the best rearing environment for children, and that the nation has entirely too many single-parent families. But recent research shows that poor fathers have serious problems in American society: they have high unemployment and low earnings rates; they have high crime, arrest, and incarceration rates; and they have difficulty establishing lasting relationships with their children or their children's mother. It would be a public service of huge proportions if Congress could provide the resources and overall framework for programs that would help poor fathers avoid crime, improve employment, improve parenting frequency and skill, and work toward marriage. In my opinion, the legislation reported out of the Ways and Means Committee and passed by the House (but not the Senate) last year would, if enacted this year, be a major step in the right direction.

Thanks again for the opportunity to provide information on child support and fatherhood to the Human Resources Subcommittee. In addition to this letter, MDRC has graciously agreed to send a complete set of their studies of the Parents' Fair Share evaluation to your Subcommittee staff director Matt Weidinger. I am happy to respond to additional questions you or your staff might have.

Respectfully yours,

RON HASKINS
Senior Fellow

National Women's Law Center
Washington, DC 20036
July 12, 2001

The Honorable Wally Herger, Chairman
Subcommittee on Human Resources
House Committee on Ways and Means

I appreciate this opportunity to respond to the additional questions posed by the Subcommittee following the hearing on June 28, 2001.

1. Some members may believe that giving more child support money to families on welfare will make it easier for them to stay on welfare, rather than encouraging them to move off of welfare. How would you respond to these members?

With the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), welfare became a time-limited program.[1] Giving more child support to families while they are on welfare helps them to get this important source of income in place before they leave welfare, furthering PRWORA's goal of making welfare a transitional assistance program. Wisconsin's experimental policy of passing through all child support to families receiving Temporary Assistance for Needy Families (TANF), and disregarding all of it in determining the TANF grant, has been demonstrated not to increase welfare stays. On the contrary, Wisconsin's full pass-through and disregard, as compared to a more limited pass-through policy, has stimulated an increase in child support payments that has enabled families to leave welfare more quickly, and provided additional income that can help them avoid a return to welfare.

To transform their welfare programs into programs of transitional assistance, most states have adopted policies to encourage families receiving TANF to develop the sources of income they will need when they leave TANF. Given the flexibility to develop their own policies concerning disregards for earned income, all but five states have adopted earnings disregards more generous than those that existed under the Aid to Families with Dependent Children (AFDC) program.[2] Although these policies also, in theory, could make it easier to stay on welfare, they have coincided with an increase in work participation and a dramatic decline in the welfare rolls. In addition, programs that increased family income as well as parental employment were found to produce improvements in child well-being that were not matched by programs that increased parental employment alone; and, the positive effects of earnings supplement programs on children were most pronounced for the children of long-term welfare recipients.[3]

States have had less flexibility to experiment with giving more child support to families because of the requirement that they repay the federal share of all child support collections for children receiving TANF. Wisconsin, however, was able to pursue a full pass-through and disregard policy as part of its "W–2" program under a federal waiver it received before the passage of PRWORA. In this experiment, for most custodial parents receiving cash assistance, all child support paid was passed through to the family and disregarded in calculating their grant. A randomly assigned control group received only a partial pass-through and disregard of child support.

Wisconsin's full pass-through and disregard policy was found to increase significantly the percentage of noncustodial parents who paid support and the amount of support paid.[4] The effects were particularly strong among parents of children without a history of AFDC receipt, because they did not have expectations based on the old system, in which payments went to reimburse welfare costs.[5] Connecticut tested a more limited pass-through and disregard policy. In its "Jobs First" program, all child support was passed through and the disregard was increased from $50 to

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[1] Congress set a 60-month lifetime limit on federally funded TANF benefits and 20 states have adopted shorter time limits. State Policy Documentation Project (SPDP), *State Time Limits on TANF Cash Assistance*, (February 2000), http://www.spdp.org/tanf/timelimits/tlovervw.pdf.

[2] SPDP, *Financial Eligibility for TANF Cash Assistance* (June 2000), http://www.spdp.org/tanf/financial/finansumm.htm; *Treatment of Earnings as of January 2000*, http://www.spdp.org/tanf/financial/treatmentearnings2000.PDF.

[3] Pamela Morris et al., *How Welfare and Work Policies Affect Children: A Synthesis of Research*, ES–4-ES–6, Manpower Demonstration Research Corporation (March 2001).

[4] Daniel Meyer and Maria Cancian, *W–2 Child Support Demonstration Evaluation Phase 1: Final Report*, Executive Summary, Institute for Research on Poverty, University of Wisconsin (2001), http://www.ssc.wisc.edu/irp/csde/phase1-vol1-es.htm.

[5] *Id.*, Volume II, Chapter 2, at 6–7.

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$100. Average child support payments for "Jobs First" participants were found to be higher than for the control group subject to AFDC rules.[6]

Under Wisconsin's full pass-through and disregard policy, mothers received more child support than under the old rules, in part because of the increase in child support paid and in part because they were allowed to receive more child support income. However, refuting the concerns that some members may have that such a policy would increase welfare stays, the researchers found that:

> receiving child support is associated with an increased likelihood of moving to an upper tier [in which families receive supportive services but not cash] or off the program by the end of the first year. Thus, to the extent that the reform increases support, it may also decrease W–2 participation.[7]

In addition, researchers found that the Wisconsin policy produced no difference in overall government costs, because cost savings in other programs offset the child support payments that were given to families instead of retained.[8]

Receipt of child support also reduces the length of time a family receives welfare by helping families avoid a return to welfare and increasing their well-being.[9] Analysis of national data found that women receiving any amount of support are less likely to return to welfare; that support received by a young woman in the first years of a child's life is positively related to her later self-sufficiency; and that women who received support in each of the first five years after exiting welfare were among those who achieved modest levels of economic well-being.[10] A study in Washington State found that good child support payments were associated with lower recidivism rates, which substantially increased time off of welfare.[11] An analysis in Texas found that for every $100 in child support received per quarter by a caretaker who left AFDC, the probability of welfare recidivism in that quarter was reduced by one percentage point, and the receipt of child support had over a three times larger effect on recidivism than an equivalent dollar amount of the caretaker's own earnings.[12] After reviewing all of the available research, the 1999 Report to Congress on child support and welfare recidivism concluded:

> Based on research findings, even small amounts of child support payments reduce welfare recidivism. ... As the residual [TANF] caseload decreases over time, it increasingly comprises hard-to-place individuals who face substantial barriers to employment. ... [T]he relative value of even incremental increases in child support will be greater for the hard to place. Additionally, if these individuals reside in a low-benefit State, the relative replacement value for the TANF grant will be greater. This combination of factors suggests that PRWORA distribution policies that increase child support payments to these families may have an even greater effect on welfare exits.[13]

Congress has recognized the importance of giving more child support to families that have left welfare. PRWORA gave families leaving TANF greater claims to their past-due child support than they had under AFDC. This Subcommittee is considering H.R. 1471, which would eliminate remaining exceptions to "Family First" distribution for families that have left TANF. The changes to the post-TANF assignment and distribution rules in H.R. 1471 certainly would increase the amount of child support that families leaving TANF receive, and would help them avoid a return to welfare. However, changes that also would make it feasible for states to change the distribution rules for families while they are on welfare could produce additional increases in the amount and timeliness of the child support that families receive when they leave welfare for two reasons.

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[6] Dan Bloom et al., *Jobs First: Implementation and Early Impacts of Connecticut's Welfare Reform Initiative* 119, 117, Manpower Demonstration Research Corporation (2000).

[7] *Id.*, Volume I, Chapter 4, at 49–50.

[8] *Id.*, Executive Summary.

[9] *See generally*, U.S. Department of Health and Human Services (DHHS), Office of Child Support Enforcement (OCSE), *1999 Report to Congress: Analysis of the Impact on Welfare Recidivism of PRWORA Child Support Arrears Distribution Policy Changes*, http://www.acf.dhhs.gov/programs/cse/rpt/1999rpt/1999report.htm.

[10] Daniel Meyer and Marcia Cancian, "Child Support and Economic Well-Being Following an Exit from AFDC," in OCSE, XIX *Child Support Report* (May 1997).

[11] Carl Formoso, "Early Findings of the Effect of Child Support and Self-Sufficiency Programs in Washington State on Reducing Direct Support Public Costs," in OCSE, XXI *Child Support Report* (January 1999).

[12] Deanna Schnexnayder et al., *The Role of Child Support in Texas Welfare Dynamics* 6, Center for the Study of Human Resources, Lyndon B. Johnson School of Public Affairs (1998).

[13] *1999 Report to Congress*, *supra*, Executive Summary.

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First, if child support payments were passed through to families while they were on welfare, there would be no disruption in payments when they left welfare. Although families are legally entitled to receive current support payments after they leave welfare, in practice there have been delays of several months in some states in redirecting payments from the state to the family.[14]

Second, the incentive effects on support payments are likely to be greater if states are able to change the mission and message of the child support program in a more comprehensive way. As noted above, Wisconsin had a harder time explaining the new policy to families that had experienced the old system, and the increases in payments, although they occurred, were lower among prior recipients than among those new to the system. This suggests that the incentive effect would be greater if states could give parents a simple, consistent message: than whenever noncustodial parents pay support, whether their children are receiving assistance at the time or not, those payments directly increase their children's well-being. This would complement the efforts of programs working with low-income fathers to encourage and help them to provide more economic and emotional support to their children.

In sum, the evidence shows that giving more child support to families on welfare will make the child support program a more effective tool for promoting self sufficiency. At a minimum, federal policy should eliminate the barriers to states' adopting such policies.

2. In general, what are State policies toward passing through child support to families while they are receiving TANF benefits? How many States do you think would change their policy if H.R. 1471 were enacted into law?

As of January 1999, the latest date for which complete state-by-state information is available, slightly more than half the states (28, including the District of Columbia) did not pass through and disregard child support to families receiving TANF. Eighteen states passed through and disregarded child support up to various amounts: $50 per month (15 states), $40 (1 state), $75 (1 state), $100 (1 state). One state passed through and disregarded *all* child support for TANF recipients. Four states had policies other than a pass-through and disregard that permit TANF recipients to benefit from child support paid on their behalf. One of the four retained child support payments, but increased the TANF grant by up to $50 per month for those on whose behalf current support is collected. (This has the same effect on family income as a $50 pass-through and disregard, but is administered differently.) Three of the four had no specific child support disregard, but allowed recipients to use other income, including child support, to "fill the gap" between the state's maximum benefit and the income eligibility standard. If the earnings of a family receiving TANF did not fill the gap, child support income would be disregarded. (Two states with a $50 pass-through and disregard also had fill-the-gap policies.)[15]

The Congressional Budget Office estimates, based on conversations with state representatives, that if federal law were changed to eliminate the requirement that states reimburse the federal share of child support collections passed through and disregarded for TANF families, about half the states that do not currently have a $50 pass-through and disregard would adopt such a policy (about 14 states). In addition, 10 to 20 percent of states that have a $50 pass-through and disregard would increase it (two to three states).[16]

I know of no other estimates of the number of states that would change their policies in response to the legislation. However, organizations representing states have expressed both considerable interest in experimenting in this area and concerns about fiscal impacts in some states,[17] suggesting that state responses will vary.

3. Please expand on the importance of requiring review and modification of child support orders for TANF recipients every 3 years and for reviewing the child support cases of families leaving TANF.

Making an extra effort to ensure that families leaving TANF receive appropriate child support and medical support would benefit families and reduce returns to welfare (see research cited in response to question 1, above). Unfortunately, few IV–

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[14] Vicki Turetsky, *What If All the Money Came Home?* 6, Center for Law and Social Policy (2000), http://www.clasp.org/pubs/childenforce/pilr2300.htm.

[15] Paula Roberts, *State Policy Re: Pass-through and Disregard of Current Month's Child Support Collected for Families Receiving TANF-Funded Cash Assistance As of January 1, 1999*, CLASP (1999), http://www.clasp.org/pubs/childenforce/1999cht.htm.

[16] Information about the assumptions CBO used in estimating the cost of H.R. 4678 (106th Congress) and H.R. 1471 (107th Congress) obtained in conversations between NWLC staff and CBO analyst Sheila Dacey in fall 2000 and spring 2001.

[17] See, e.g., American Public Human Services Association, *Crossroads: New Directions in Social Policy* 62 (2001, http://www.aphsa.org/reauthor/crossroads.pdf; National Governors' Association Policy Position, *Child Support Financing Policy, Passthrough*, § 14.3.1 (2001), http://www.nga.org/nga/legislativeUpdate/1,1169,C POLICY POSITION - D 530,00.html.

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D agencies are systematically undertaking such an effort. Requiring that IV–D agencies conduct a full review of the cases of families leaving TANF would ensure that states make a priority of improving services to this vulnerable population.

Under PRWORA, periodic reviews of child support orders are no longer required in TANF cases. States are supposed to notify all parents, TANF and non-TANF, custodial and noncustodial, every 3 years, of their right to request a review of their order. However, a 1999 review of state policies and practices in this area by the Office of Inspector General of the Department of Health and Human Services found that 18 states did not notify parents of their right to request a review, and nine had no plans to do so, despite the requirements of federal law. No state used proactive measures to promote review requests from parents close to exiting public assistance. And, although all states reported that it was their policy to check for and add medical support to orders they reviewed, in seven of the ten states visited by the OIG, the IV–D staff interviewed said that they did not always pursue medical support if the order did not otherwise require adjustment.[18] Without adequate notice to parents, including the financial information parents need to make an informed decision about whether to request a review, the current "on-request" review and modification system will not ensure that orders reflect the changing circumstances of parents and children.

Requiring that IV–D offices conduct a full case review for families leaving TANF and take additional actions, if appropriate, to locate noncustodial parents, establish paternity and support awards, review and modify awards, and collect support, could produce significant increases in child support. In 1999, only 24 percent of current assistance cases had collections as compared to 42 percent of never-assistance cases.[19] The main reason for the difference was that fewer current assistance cases had orders: 44 percent as compared to 64 percent of never-assistance cases. Once an order was established, the difference in collection rates was smaller; 56 percent of current assistance cases with orders had collections, as compared to 66 percent of never-assistance cases.

Intensively working the cases of parents who are about to leave welfare will require additional resources—but can produce results. In Minnesota, for example, several years ago the state legislature offered performance bonuses to counties for establishing paternities, reviewing orders, and enrolling children in the noncustodial parent's insurance plan. Hennepin County substantially increased its staffing in those areas—and increased the number of paternities established each month by 40 percent, conducted four times as many modification reviews, and increased threefold the number of children enrolled in the noncustodial parent's medical insurance plan. Moreover, results were obtained even in the older AFDC cases.

> "[C]lients are now better prepared for self-sufficiency because more cases have orders and older orders now have higher amounts. We were much better prepared for welfare reform than we would have been without this program."[20]

4. Dr. Johnson's testimony (in his attachment "NPCL Peer Learning College," Page 4) cites a report that suggests that. . . .

> *". . . arrears will remain high unless child support agencies enter realistic orders in low-income cases, compromise uncollectible arrears, and work cooperatively with community-based organizations and state agencies that can help noncustodial parents overcome the underlying problems that prevent them from getting and keeping the kinds of jobs needed to support their children."*

Would you agree with his statement? What does it take to, for example, "compromise uncollectible arrears?"

I would agree generally with the statement, but emphasize that it refers to low-income obligors and to arrears owed to the state, not to custodial parents. Some arrearages accumulate because noncustodial parents with the ability to pay have avoided paying child support; however, those noncustodial parents and those arrearages are not the subject of Dr. Johnson's testimony, or this response.

The large arrearages that many low-income noncustodial parents owe to the state are a problem not only for them, but for custodial parents and children, as rep-

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[18] DHHS, OIG, *Review and Adjustment of Support Orders* 7–8, OEI–05–98–00100 (1999).

[19] OCSE, *Child Support Enforcement FY 99 Preliminary Data Report*, Table 2 (2000).

[20] OCSE, *Compendium of State Best Practices and Good Ideas in Child Support Enforcement 2000*, Fifth Edition, "Management Methods" (Hennepin County Bonus Incentive Program), quoting Barry Bloombren, Hennepin County Child Support Division Manager, http://www.acf.dhhs.gov/programs/cse/pubs/reports/best/minnesota.html#N15ad.

resentatives of both groups explained in the "Common Ground" project of the National Women's Law Center and the Center on Fathers, Families, and Public Policy.[21] Many states pursue a variety of policies that create particularly high arrears for the low-income parents of children receiving public assistance. For example, the vast majority of states order noncustodial parents to pay retroactive support in public assistance cases, and a few order parents to reimburse Medicaid birthing costs, creating large debts to the state as soon as an order to pay support is entered. Orders may be entered that are unrelated to ability to pay; some states set a high percentage of their orders by default, and set the amount of the award by imputing income when the obligor's income or earning capacity is unknown. In the case of low-income obligors who have very low and sporadic earnings, these imputed orders may far exceed the obligors' ability to pay. Or, awards that are realistic when entered may be difficult or impossible to modify when circumstances change.[22]

Policies that create huge arrearages for low-income noncustodial parents make it less likely that these parents will make current support payments. The Inspector General found that noncustodial parents who were charged for more than 12 months of retroactive support were two and a half times more likely to make no support payments following the establishment of an order than noncustodial parents who were not charged retroactive support.[23] Noncustodial parents that owe large and face the prospect of having up to 65 percent of their wages garnished indefinitely for repayment of the debt, may quit their jobs, move, or join the underground economy, which is already an important source of income for some.[24] Programs that work with low-income noncustodial fathers have found arrearage policies, along with policies that give current support payments to the state instead of to their children, to be major barriers to recruiting participants and encouraging them to participate in the formal child support system.[25] Thus, harsh and unrealistic arrearage policies can deprive children of badly needed support, and ultimately increase public costs.

In addition to developing policies that prevent the buildup of arrearages, some states have begun to consider compromising arrears owed to the state. Under federal law, a child support obligation becomes a final judgment when it comes due and cannot be retroactively modified. 42 U.S.C. § 666(a)(9). However, as with other judgments, the individual or entity to whom the child support judgment is owed may agree to a compromise. Thus, states already have the ability to compromise arrearages permanently assigned to the state.[26]

States can consider a variety of factors in determining when and how they will compromise arrearages owed to the state. For example, the state could consider the source of the arrearage. Was it the result of an on-going failure to pay a support order by someone with the ability to pay? If so, compromise might be rejected. Or did it arise all at once, as retroactive support or for Medicaid reimbursement? Was the order, when set, based on unrealistic assumptions about the obligor's ability to pay? Did the arrearage accumulate while the obligor was unemployed, incapacitated, or incarcerated? States also could link forgiveness of the debt to current behavior; for example, tying adjustments to payment of current support or participation in a program. States also might treat forgiveness of interest or fees differently from forgiveness of the obligation, or limit forgiveness policies to low-income obligors.[27]

Principled policies allowing the compromise of arrearages owed to the state are consistent with the message of parental responsibility that the child support program seeks to convey. They recognize that some debts to the state are not only uncollectible today, but may have been unrealistic from the beginning, and that securing parental support for children should take precedence over cost recovery.

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[21] National Women's Law Center and Center on Fathers, Families and Public Policy, *Family Ties: Improving Paternity Establishment Practices and Procedures for Low-Income Mothers, Fathers and Children* 9–11, 28, http://www.nwlc.org/pdf/commgrnd.pdf.

[22] DHHS, OIG, *The Establishment of Child Support Orders for Low-Income Non-custodial Parents*, OEI–05–99–00390 (July 2000); Paula Roberts, *An Ounce of Prevention and a Pound of Cure: Developing State Policy on the Payment of Child Support Arrears by Low Income Parents*, CLASP (2001).

[23] OIG, *Establishment of Child Support Orders*, *supra*.

[24] Fragile Families Research Brief No. 3, *Unwed Fathers, the Underground Economy, and Child Support Policy*, Bendheim-Thoman Center for Research on Child Wellbeing and Social Indicators Survey Center, Columbia University (January 2001).

[25] Fred Doolittle and Suzanne Lynn, Lessons for the Child Support Enforcement System from Parents Fair Share, Manpower Demonstration Research Corporation (1998); Wendell Primus and Kristina Daugirdas, *Improving Child Well-Being by Focusing on Low-Income Noncustodial Parents in Maryland*, Abell Foundation (September 2000).

[26] David Gray Ross, Commissioner, OCSE, "State IV–D Program Flexibility with Respect to Low-Income Obligors," PQI–00–13 (September 2000).

[27] For more details on these and other options see Roberts, *An Ounce of Prevention*, *supra*.

5. In his testimony, Ron Haskins raises the issue that, as the welfare caseload declines, there are fewer potential child support collections for parents on welfare. This has been a partial funding source for operating child support programs. Aside from simply expecting the State or Federal governments to provide more funds to fill this gap, can you offer us any other creative ideas for addressing this problem, which is likely to be with us for the long term?

I would emphasize to the Subcommittee that the financing gap that is projected in the child support program is the result of declining welfare caseloads; state child support agencies have increased their collections per welfare case. If federal and state welfare policies are to continue to emphasize family self-sufficiency, with only transitional use of public assistance, then state and federal governments must be prepared to provide adequate and stable financing for the child support program to help families become self-sufficient and enforce the legal responsibility of parents to support their children.[28]

There is no easy alternative. Attempting to finance the child support system by charging families for the child support services they receive will not provide the child support enforcement system with a stable source of financing and would significantly harm the low and moderate income families who depend on the IV–D system. Over 75 percent of the families served by the IV–D program have incomes below 250% of poverty.[29] They can ill afford to lose part of their child support income. Agencies might consider charging fees only to higher income families; but the small amount that could be collected from this small group of families would hardly justify the administrative expense.

It is for these reasons that few states make significant use of fees against voluntary users of the IV–D system. According to a report on the financing of the IV–D system done for the Department of Health and Human Services, child support fees collected from parents represented only two percent of the funds states use to finance their child support programs. And, although when the study was conducted state and federal governments were already aware that falling welfare caseloads would mean falling welfare collections, it also found that most states were not contemplating making greater use of fees.[30]

Some have suggested that fees could be paid by noncustodial parents instead of deducted from support. In the end, this approach also is likely to result in lower child support payments, especially for low-income families. Excessive fees could discourage parents from paying through the formal system, increase administrative costs as cases moved in and out of the IV–D system, and increase tensions between custodial and noncustodial parents. Child support awards could be reduced to adjust for the amount being charged in fees. Finally, for low-income noncustodial parents, assessing large fees could simply increase uncollectible arrearages, and ultimately reduce the amount of child support paid.

Ensuring that children receive support from both parents by enforcing support obligations and helping low-income parents to provide support is a vital public function. Effective child support enforcement not only increases family income and reduces reliance on public assistance, but is linked to reductions in divorce and nonmarital birth rates,[31] and to increases in children's educational attainment.[32] Moreover, child support enforcement is a function that must be performed and financed jointly by the state and federal governments.

There are a number of important financing questions to consider: how much of the funding should come through incentive payments and how much through matching funds; whether the incentive system could work more effectively if the pool of funds was not capped; when states should be able to use TANF or TANF MOE funds for functions related to child support. However, the focus should be on restructuring public financing. Low-income families that are struggling to support

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[28] See Turetsky, *What If All the Money Came Home*, *supra*.

[29] DHHS, ASPE, *Characteristics of Families Using Title IV–D Services in 1995* (1999).

[30] Michael Fishman, et al., *State Financing of Child Support Enforcement Programs*, Final Report to DHHS/ASPE, Lewin Group (1999).

[31] Irwin Garfinkel, Theresa Heintze, and Cheien-Chung Huang, *Child Support Enforcement: Incentives and Well-Being* 14, Paper Presented at the Conference on Incentive Effects of Tax and Transfer Policies, Washington, DC (2000); Burt Barnow et al., *The Potential of the Child Support Enforcement Program to Avoid Costs to Public Programs: A Review and Synthesis of the Literature* 39–45, Final Report Prepared for DHHS (April 2000).

[32] Barnow, *Potential of the Child Support Program*, *supra*, at 46–48.

themselves without public assistance should not be expected to continue to bear the burden of financing the child support enforcement program.

Sincerely,

Joan Entmacher
Vice President and Director

[Submissions for the record follow:]

Statement of John Smith, Research Analyst, Alliance for Non-Custodial Parents' Rights, Burbank, California

Analysis of the Background Information

A problem cannot be solved until it is recognized and understood. The information presented in the background section contains many misunderstandings, myths and falsehoods.

CSE programs were established in 1975. Year after year, we hear of record amounts of child support that has been collected. If child well-being is proportional to the amount of money one has, then we should be experiencing record-high child well-being. There has been a 100 percent increase in collections from 1993 to 2000. Has child well-being increased 100%? To paraphrase Ronald Reagan, "Are children better off today than they were in 1975?"

The 1996 welfare reform act is all too typical of child support legislation. Its sole focus is on dollars collected, not child well-being. If collecting money is so important for children, then why not amend our laws to grant custody to the higher wage earner—usually the father? This would also reduce the collection problem. Even though noncustodial mothers have by far the worst child support compliance rate, all things being equal, because their orders are systemically set lower than a father's child support order,[1] less money would go uncollected.

The 1996 welfare reform act still promotes the notion that one parent can be replaced by money. Conservatives correctly recognized that sitting at home collecting a welfare check was wrong, but failed to recognize that sitting at home collecting a child support is just as wrong. Child support contains no accountability on the part of the custodial parent, as to how it's spent. Economists estimate that only $1 out of every $5 in child support is spent on the child's needs.[2]

Social science research has been showing us for the past 10–20 years that this is wrong. Kids need both parents. Money is not the solution, it is the problem. Parental involvement is the solution. It's what kids need. It reinforces each parent's responsibilities. We must remove the profit motive from family disintegration.

A common myth is that poverty is the root of all these problems and money is the cure for poverty (no distinction of earned versus unearned money is made—a fatal flaw). Studies show an inversely proportional relation between child support and child well-being. These studies show states with the highest child support and welfare awards rank lowest in child well-being, while states with the lowest child support and welfare awards had children with higher child well-being?[3] The key determinant is family structure. Child support and welfare are single-mother household enablers. And don't use poverty as an excuse. Recent immigrants living below the poverty line had children with better academic performance and fewer behavioral problems than kids living above the poverty line. The reason: the immigrant families tended to be intact families. Poverty doesn't cause broken homes, broken homes cause poverty.

Another major problem with using money is that in today's dynamic, global economy—one's economic stability is unpredictable, as evidenced by the stock market and the economy—last year, the sky was the limit. This year, a constant stream of bad news. Our child support laws ignore this reality, which is why many ignore these laws. If you remove the specific monetary amounts from child support and simply let each parent raise their child according to their own beliefs, we'd be much better off.

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[1] Farrell, Warren, Ph.D., "Father and Child Reunion," Tarcher-Putnam, 2001, p. 175, from an HHS study.

[2] Comanor, William S., Ph.D., "Child Support Feels Different on Male Side," Los Angeles Times, Feb. 22, 1999.

[3] Testimony of Cynthia L. Ewing, Senior Policy Analyst, Children's Rights Council, before the US House of Representatives Committee on Ways and Means, Subcommittee on Human Resources, Feb. 6, 1995.

By forcing people to pay a fixed amount of their income (based on a percentage, but not allowed to fluctuate with actual income), we ignore reality. By basing child support NOT on what it costs to raise a child, but on what the average person spends (USDA figures), we strip a person of their individuality and force average values down their throats. Since we have the second-lowest savings rate and one of the highest debt rates of Western countries, this goal is nothing to aspire down to. Ironically, it punishes the responsible (frugal) people the most.

The increasingly draconian measures passed by Congress now threaten everyone's privacy and freedoms. The Financial Institution Data Matching (FIDM) program scours everyone's bank account, whether they have been part of this child support system or not. Ditto for the National Directory of New Hires (NDNH). The Federal Parent Locator System (FPLS) is used against fathers, but if the mother kidnaps his children, it will not be used for the father. Blatantly sexist policy.

Paternity establishments have hit record levels, but there's a dark side to this story which is now becoming very public. 28% of DNA tests reveal that men accused of being the father are in fact, not the father.[4] In Los Angeles County, over 70% of paternity establishments are done on a default basis.[5] The DA's office estimates that more than 350 innocent men are incorrectly named in child support orders every month.[6] This means the alleged fathers were not present. Very often, the alleged father was never notified. Paternity fraud perpetrators have not been prosecuted, while innocent men are being driven into poverty and homelessness by child support policy.

Creating programs to "improve the employability and earnings of non-custodial parents" is nothing short of slavery. It sounds nice. Sounds like you're here to help them, but when you see that federal law permits wage garnishment of up to 65% of their pre-tax wages, this program is slavery. Enslaving men to perform labor to earn money which is then blindly handed over to custodial mothers for use at their discretion.

Is the "Child Support Distribution Act of 2001" really seeking to enhance the role of noncustodial fathers or to enhance the pocketbook of custodial mothers? If the purpose is to enhance the father's role, then money will be de-emphasized and parental involvement (visitation) will be greatly emphasized.

The proposals want to promote marriage. This sounds well and good, but when one considers what happens to married men in family courts and child support, this becomes a specious goal. Dr. Sanford Braver of Arizona State University points out the two distinct groups of fathers—never-married and divorced:

"It should be obvious that the two groups should always be separately addressed in any analysis or policy discussions. The distinction, however, has been too infrequently recognized or cited."[7]

If, for the first time in history, this government program (HR 6) works perfectly as intended, we will have solved the unmarried portion of the problem. Men will marry and take responsibility of their children.

Alas, some small flaws exist in this thinking. What do we know about divorced fathers? We know that women initiate the vast majority of divorces. And no, folks, these women are not "trapped in bad marriages" or "abusive relationships" that many feminists with an agenda claim (ironically these same feminists have never been married or raised children). They had simply "grown apart" or "didn't feel appreciated." Dr. Braver questioned the women actually going through the judicial system and they loved it. Why? Because they got whatever they wanted and felt they were in complete control. We know that men are helpless to stop this, thanks to no-fault divorce laws. We know that the judicial system has a systematic bias against including these fathers in their children's lives (known as the tender years doctrine). We know that politicians believe men to be politically impotent and therefore write gender-biased laws favoring women.

Once these poor, irresponsible fathers become middle-class, responsible fathers, they will face the same unfairness of the child support system. In the divorced group, it hurts even more because these fathers were connected with their children, they are educated enough to know they are getting screwed out of their money and children. So while HR 6 is looking for ways to raise never-married fathers up, our system forces divorced fathers into exile by placing into law excessive child support awards and draconian punishments. Then politicians wonder why we have a fatherlessness problem.

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[4] American Association of Blood Banks 1999 Annual Report. See also "In Genetic Testing for Paternity, Law Often Lags Behind Science," New York Times, March 11, 2001.

[5] Los Angeles Times, April 12, 1998, B1.

[6] Los Angeles Times, Oct. 11, 1998, A27.

[7] Braver, Sanford, Divorced Dads—Shattering the Myths, Tarcher Putnam, 1998, p. 22.

Recommendations

1. Shared Parenting

Make equal shared parenting the law of the land. Each parent would get exactly 50% of the physical custody time with each parent, unless the parents reach a voluntary agreement stating otherwise. Neither parent is allowed to move away (outside the school district or county) unless a voluntary agreement is reached. The concept of custody is eliminated—neither parents owns the child. Because each parent is spending equal time raising their children, the need to collect child support disappears. Write the law in such a way that eliminates all discretion from judges, as judges tend to write law from the bench. Any judge that deviates from this statute should be removed without pay until a full investigation is completed as to why she did not follow the law (similar to an officer involved shooting).

2. Paternity Fraud

Prohibit courts and administrative agencies from prosecuting a man whose DNA test results prove he is not the father.

Make DNA testing a prerequisite for opening child support cases.

Paternity will be based strictly on DNA evidence, not on actions such as holding yourself out as the father, written or signed paternity acknowledgements, confessions or statements. Since the man was given fraudulent data to base his decisions on, any paternity decision represents an invalid contract. Exceptions to the strict DNA rule would be (1) when the father has legally adopted the child and/or (2) when the child was conceived through a sperm donor.

Vigorously prosecute perpetrators of paternity fraud.

Allow the alleged father to have custody of the non-biological child and make the mother pay him child support.

No statute of limitations placed on the alleged father for challenging paternity or make the statute of limitation on paternity determination the same length as those used for failure to pay child support. For example, the statute of limitations might be 7 years from the last time the mother or State asked for (not received) child support—which was a fraudulent action.

Provide the victim the ability to sue the mother to recover any and all child support, legal costs, other costs, lost wages, lost interest and emotional damages. [Since the State provide enforcement services for collecting child support, perhaps the State should be mandated to provide for recovering this fraudulently obtained money.]

Allow family victims (e.g. second wives, parents) to sue the mother for damages, including emotional damages.

3. Promoting Marriage

Instead of, or in addition to, creating new programs to promote marriage, eliminate the existing programs that punish married men.

Eliminate no-fault divorce laws. Withhold federal funds to states that do not repeal no-fault divorce laws (I believe the Feds withheld highway funds to Arizona when the State failed to make Martin Luther King's birthday an official holiday).

Withhold federal funding from any and all groups that provide no-cost and low-cost divorce clinics. This is currently being done to groups that provide abortions.

4. Promoting Fatherhood

- In addition to making shared parenting law that national standard, we need to recognize that:
- Fathers are much more likely than mothers, to make sure the children spend time with the other parent.
- Fathers want to spend more time with family; Mothers want to spend more time on their careers.
- The more money a man earns, the more likely he is to marry. Just the opposite is true for women.
- Single-mothers are afraid to enforce rules and discipline as they fear losing their child's love. This leads to kids that respect nobody, feel they don't have to obey rules (they never had to before) and there are no consequences for breaking rules. The world revolves around them.
- Fathers' rights groups are fighting for more responsibility in their children's lives, while Women's rights groups are fighting for less responsibility (e.g. govt funded daycare centers).
- We must stop granting women special privileges, often with reduced responsibilities. For instance, pregnant women can choose to:
  - Have the baby and remain as an intact family.
  - Have the baby and charge the father with child support.

- Anonymously drop off the newborn at designated centers, without fear of prosecution.
- Have an abortion.
- Put the child up for adoption.

- Why aren't men offered any of these choices? This reflects the gender bigotry rampant in our society.
- End gender bigotry. As Dr. Farrell points out, "He gets jail; She gets an array of social services offered to her."

It's time we stopped blaming fathers (and men) for everything that is wrong in the world. Until we do, we shouldn't expect things to get any better.

Statement of the Association for Children for Enforcement of Support, Inc., Sacramento, California

ACES has 47,000 members and almost 400 chapters located in 48 states. We are representative of the families whose 20 million children are owed over $71.9 billion in unpaid child support. We have banded together to work for effective and fair child support enforcement. ACES believes that parents who fail to meet legal and moral child support obligations should not benefit from federal government funding. We support *The Child Support Distribution Act of 2001*, H. R.1471 which will ensure that children benefit from support paid and simplified support payment distribution.

There are 20 million U.S. children owed over $71.9[1] billion in unpaid child support

- State governments alone have been unable to collect sufficient back-support due (see **Chart 1**)
- State governments have been unable to collect support in interstate cases (see **Chart 2**)
- New State government central payment systems are failing to distribute all payments. States had over **$634 million**[2] in undistributed child support payments at the end of 2000 (see **Chart 10**)

Children who receive child support:

- Are more likely to have contact with their fathers[3]
- Have better grade point averages and significantly better test scores.[4]
- Have fewer behavior problems.[5]
- Remain in school longer[6]

Receipt of child support is associated with significantly higher expenditures on children than any other source of income.

About 20% of our nation's children have a parent living outside the household and are entitled to child support. They are four times more likely to be poor and five times more likely to receive food stamps than children who live with two biological parents. Child support, when received by low income families, accounts for 26% of family income.

Strong child support enforcement:

- Reduces the divorce rate[7]

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[1] Preliminary Statistics 1999, Federal Office of Child Support.

[2] **Chart 10** shows $634 million in undistributed funds. $120 million of this could be due to the 2-day legal delay in distribution of funds ($15.8 billion in 260 workdays/year).

[3] Argys, Peter, Brooks-Gunn, and Smith, "Contributions of Absent Fathers to Child Well-Being: The Impact of Child Support Dollars and Father-Child Contact, University of Colorado (1996).

[4] Graham, Beller, and Hernandez, "The Relationship between Child Support Payments and Offspring Educational Attainment" in Child Support and Child Well-being (Garfinkel, MacLanahan, and Robbins (eds), Washington DC (1994).

[5] H McLanahan, *et al*, National Survey of Families and Households (1994).

[6] **Chart 10** shows $634 million in undistributed funds. $120 million of this could be due to the 2-day legal delay in distribution of funds ($15.8 billion in 260 workdays/year).

[7] Nixon, Lucia, The Journal of Human Resources, XXXII–1, Winter 1997, Vol. 32, No. 1 and Barnow, Burt S., et al "The Potential of the Child Support Enforcement Program to Avoid Costs To Public Programs: A Review and Synthesis of the Literature, U.S. Department of Health and Human Services, HHS 100–97–007 (2000).

- Reduces the number of births to never married parents[8]
- Reduces teenage pre-marital childbearing[9]

New studies show that strong child support enforcement programs have far-reaching positive social impact that reduces the number of children living in fatherless households and promotes marriage. Many recent studies have shown that strict establishment and enforcement of child support obligations is leading to a lower divorce rate and fewer illegitimate births. In "The Effect of Child Support Enforcement on Marital Dissolution," Lucia A. Nixon found that strong child support enforcement reduces marital breakups, and in "The Effects of Stronger Child Support Enforcement on Non-marital Fertility," Anne Case found that anything which increases the cost of fatherhood reduces the probability of the children being born. "The Impact of Child Support Enforcement Policy on Non-marital Child Bearing," showed that in states with a strong child support enforcement program non-married women had fewer children.

States have more undistributed funds on hand than ever before: $63.84 million

Undistributed funds are payments collected not sent to families due to problems identifying payee or payor, location of payee, or problems determining how to distribute payments if the family was or is on public assistance. This means thousands of families leaving the welfare rolls are not receiving child support collected by the state. This undermines their self-sufficiency efforts.

In February, 2001, ACES filed a *Writ of Mandamus* in State Appeals Court against the Ohio Department of Jobs and Family Services (ODJFS). ODJFS ***knowingly*** brought online a computer system in October 2000 that ***miscalculates*** distribution of child support payments owed families in order to avoid further late penalties from being assessed against the State under Federal Law. The net effect is to reduce monthly payments to families under terms mandated by the 1996 welfare reform law. In doing so, ODJFS put the interests of the State ahead of those of affected children. Legal action was taken only after negotiations with ODJFS failed to produce an acceptable plan for fixing the problem.

Also, The Ohio State State Disbursement Unit, (SDU) is contracted to Bank One who is paid $125 million out of interest collected on child support payments which accumulates during the two days they are legally allowed to hold money. Families throughout Ohio are experiencing delays much longer than two days. ACES believes families, not Bank One or ODJFS, are due interest on these delayed payments.

In Michigan, the lack of the state having valid addresses for custodial parents has led to $303,000 being sent to the state's coffers in 1999, then in 2000 after the State Disbursement Unit (SDU) was established, $700,000 between October and December 2000. Another $2.75 million or more could go to the state coffers if not claimed by families for 2001. The SDU is only operational in some Michigan counties. The process used is for some employers in the state to send child support withheld from employees pay to the SDU, where it is recorded and then sent to the county Friend of the Court, the local IV–D agency, for disbursement to the family. This cumbersome process of transferring money between agencies rather than transferring records and sending payments directly to families is responsible for some of the undistributed funds. Additionally, the Michigan statewide child support computer system funded 90% by the federal government for $327 million does not calculate family-first disbursement as required under PRWORA, and these distributions are being done manually case by case. This results in families receiving two checks for each payment made and further increases the distribution errors.

Texas failed to implement family-first distribution until March 2001 when the law required it by October 1, 2000. California reports the largest amount of undistributed funds at $176 million and no SDU. Officials there tell us this amount is incorrect due to previous record keeping practices. They are in the process of surveying each of California's 58 counties to determine exactly how much there is in undistributed/unidentified funds.

Many states have systems whereby undistributed and unidentified funds are sent to the state unclaimed funds. However, IV–D child support recipients are not told of this process and it is not required to be publicized.

Our members in North Carolina report delayed and missing payments since September 24, 1999, when the new State Disbursement Unit went into operation. Rea-

[8] Case, Anne, *Fathers Under Fire*, Chapter 7, The Effects of Stronger Child Support Enforcement on Nonmarital Fertility and Plotnick, Robert D., et al, "The Impact of Child Support Enforcement Policy on Nonmarital Childbearing," University of Washington (2000).

[9] Plotnick, Robert D., et al, "Better Child Support Enforcement: Can It Reduce Teenage Premarital Childbearing?"University of Washington (1998).

sons cited are that Clerk of Courts bundled checks, money orders, and cash brought in by non-resident parents and mailed them to Raleigh without identifying information attached. Employers did not use the new case numbers assigned to them for income-withholding purposes. Each case was given a new number in the distribution unit system. The number was neither parent's social security number nor the court docket number. Rather than obtaining a list of names and addresses from employers for whom the payments had been sent, the money was returned to the employers. Other families report massive problems because the statewide computer system cannot adequately interlink with the state distribution computer system to determine payment distribution in multi-family cases.

In Illinois, ACES members report the same types of problems as experienced in North Carolina. County Clerks of Courts mailed checks and money orders paid to them by non-resident parents to the state with no identifying social security numbers. The state cancelled the contract with Dupage County for the SDU and hired a private contractor. They are in the process of replacing the current SDU and hiring a new vendor.

States chose to set up systems where all payments are sent to a central intake and then disbursed. This process has made it more difficult for parents to pay. The lack of adequate planning and testing has led to missing payments, long delays, and other problems for some of the poorest families in our nation. North Carolina made families pay back emergency aid checks out of the first child support check issued, after months of not receiving any payments. This newest bureaucratic glitch has caused thousands of children to go to bed hungry.

In a survey done by the Inspector General, **the *percentage of states* that report the following *problems*** with implementation of SDU's are:

- 100%—distributing payments for interstate cases
- 86%—identifying poorly labeled payment
- 86%—identifying payments with no case in the system
- 60%—redirecting payments mailed to wrong place
- 71%—meeting customer serve demands
- 60%—securing, training and retaining staff
- 31%—disbursing support within two days
- 40%—predicting volume for staffing purposes
- 34%—monitoring SDU performance

The Office of Inspector General recent report, Child Support Enforcement State Disbursement Units, August 2000, reported that 38 states have fully implemented the federal law to centralize payment processing of most child support payments. Indiana, Wyoming, and South Carolina ask for waivers to link local disbursement units. Arkansas, Georgia, Kentucky and Oklahoma report they have central payment processing but are not yet using it for the federally required caseload. Michigan and Nevada were granted extensions to implement their SDU's until October 1, 2000 and October 1, 2001, respectively. Alabama, California, Kansas, Nebraska, Ohio and Texas report they have not yet begun central payment processing.

ACES recommends changes in the federal law which require:

Families benefit from effective child support enforcement

ACES has been monitoring the current child support enforcement system since 1984. In addition to obtaining information about the child support enforcement system for our members, ACES operates a national toll-free Hot Line for families with child support problems, issues, and questions. We receive up to 100,000 calls per year from parents throughout the U.S. From these calls and our members, we gather statistics and data on the status of the current child support enforcement system.

The average ACES member is a single-parent, and she has two children. About 50% of ACES members are divorced, and the other half were never married. Members average income is $14,400 per year as of the end of 1999, and 85% have, in the past, received some form of public assistance. At present, about 33% of our membership receives public assistance. ACES members report that collection of child support, when joined with available earned income, allows 88% to get off public assistance. Collection of child support enables our low-income working-poor members to stay in the job force long enough to gain promotions and better pay so that they can move their family out of poverty, and on to self-sufficiency. The collection of child support, when joined with earned income, means our members can pay their rent and utilities, buy food, pay for healthcare, and provide for their children's educational opportunities. Lack of child support most often means poverty and welfare dependency. At the very least it means having to work two or three jobs to survive. This leaves our children with literally no parent who spends time providing their children adequate nurturing, supervision, and the attention they need and deserve.

Parents have the ability to pay child support: 60% have an income of over $30,000

Characteristics of Families Using Title IV–D Services in 1995, a study by Matthew Lyon shows that 1% of families using IV–D services had $0 income; 10% had an income of $1–$5,000; 18% had an income of $5,000–$10,000; 15% had an income of $10,001–$15,000; 10% had an income of $15,001–$20,000; 7% had an income of $20,001–$25,000; 8% had an income of $25,001–$30,000 and 30.5% had an income above $30,000. In the book, Fathers Under Fire, by Irv Garfinkel, data reported on the income of non-resident parents showed that 20% had an income under $6,000; 20% had an income of $10,000–$30,000; 10% had an income of $30,000–$40,000; 40% had an income of $40,000–$55,000 and 10% had an income over $55,000 (**Chart 3**).

Data from the 1997, National Survey of American Families showed that of the 11 million fathers who weren't living with their children, about 4 million paid formal child support while the other 7 million did not. Of these 7 million fathers, 4.5 million have sufficient income to pay support. 2.5 million were poor and probably unable to contribute significant child support.

Government child support enforcement avoids costs to public programs

The principal finding of the U.S. Department of Health and Human Services study, "The Potential of the Child Support Enforcement Program to Avoid Costs to Public Programs: A Review and Synthesis of the Literature," was that child support payments can decrease TANF participation and increase labor participation. For example, a $1,000 increase in child support payments received by woman on TANF, conditional on remaining unmarried, will decrease TANF participation among these households and will increase the average hours worked. Part of this change is mechanical, 61%, but 39% is a behavior change.

The study also finds the child support could have a long-term cost avoidance and tax revenue implications because of its impact on increasing the number of children who have access to higher education. Educational attainment is a leading indicator of future financial and social success. Individuals who attain higher levels of education have a higher income and a more stable family life. Child support enables families ability to afford to send children to private schools, purchase tutoring services, and to invest money in a college fund. Also, it allows families to purchase goods and services that increase cognitive stimulation in the home and thus indirectly affects educational attainment.

Other studies outlined in the report find that collection of child support avoids cost in the Title XX Child Care Program. For every $1,000 in child support received it is estimated that a low-income single mother would reduce work hours to 22–25 hours and with each additional $1,000 received work hours would be reduced by 54 hours. Since almost 50% of single parents who do not receive child support work two jobs to support their family, this would also have the very beneficial effect for children of having at least one parent being able to spend more time with them, to nurture, assist with home work, and care for the children in a way that day care cannot.

State child support agencies fail to collect significant amounts of child support

A whole generation of our children have not received adequate and regular child support payments as promised when the Title IV–D child support system was introduced in 1975. The system was supposed to establish paternity, establish child support orders, and enforce orders. Children born in 1975 were 9 years old when Congress acted to improve the child support system for the first time in 1984. The number of cases without orders was about 50% and the collection rate was 15% when income-withholding laws, liens on property, posting of bonds, attachment of tax refunds, and reporting of child support debt to credit bureau laws were passed as part of the 1984 Child Support Amendments. When the children were 13 years old in 1988, Congress acted again because only about 50% of the children had orders and the collection rate was only 18%. In the 1988 Family Support Act, income-withholding was to begin at the time of divorce or establishment of paternity, modification of orders were to occur every 3 years, child support guidelines were required to be followed by the courts, and paternity was to be established via genetic tests and through voluntary programs.

When the children were 17 years old in 1992, about 50% of the children still did not have orders and the collection rate was 19.7%. Congress again acted in the Child Support Recovery Act to assist children with interstate cases. The collection rate on interstate case was less than 50% of the other cases. When the children were 18 in 1993, about 50% of the children still did not have orders and the collec-

tion rate was 18.2%, Congress acted yet again. This time, medical support orders were required and a better system for establishing paternity was put in place as part of the budget. When the children were 19 in 1994, about 50% of the children still did not have orders and the collection rate was 19.4%. Congress enacted the Full Faith and Credit Act in another attempt to correct problems with interstate cases. When the children reached age 21 in 1996 and slightly fewer than 50% of the children still did not have orders and the collection rate was 20%, Congress acted again as part of the Personal Responsibility and Work Opportunities Act (PRWORA) establishing the New Hire Directories, Case Order Registries, and State Distribution Units (SDU), professional driver's and recreational license revocation, and required states to adopt UIFSA (Uniform Interstate Family Support Act). UIFSA is the third attempt to remedy interstate case problems.

The Federal Office of Child Support, in its preliminary data from the year 2000, shows that collections rose from $15.4 billion to $18 billion, for families with cases open at a government child support agency. 1999 data shows that slightly less than 50% of the children *still* do not have orders and the collection rate is 37%. This increase from 23% in 1998 is in part due to new reporting requirements for states and new regulations which allowed states to close old cases where collections had not been made. U. S. Census Bureau data from the May 1999 Current Population Report, which includes data for families with and without a government child support case, for the year 1998, shows that the percentage of single-parent families who receive child support (some or all support due in 1998) was only 32%. The collection rate shows no significant improvement. The collection rate remained about 30%.

The most recent data available from the Federal Office of Child Support (**Chart 4**) shows that the total collections for 2000 are $18 billion up from $15.8 billion in 1999, up from the $14.3 billion in 1997, which was up from $13.3 billion in 1996. IV–D agencies spend $25 to collect $100, and 55.5% of collections are from payroll deductions.

In **Chart 2**, interstate collections are listed from 1993 to the present. Collections have risen from 1993 (pre-PRWORA) $725 million to $983 million in 1997, and to $1 billion in 1998 and 1999. Collections on interstate cases have risen about $100 million/year before *and* after PRWORA. UIFSA, the Uniform Interstate Family Support Act required PRWORA to be adopted verbatim by all states. PRWORA has not yet shown itself to be of any assistance in processing interstate cases faster or more effectively. In fact, ACES has been told by several state IV–D agencies and state courts that it is more difficult to use than URESA, its more complicated predecessor. Problems are being reported with the provision for direct income-withholding. If a non-resident parent receives an income-withholding order at their place of employment and the order is for the wrong amount, wrong person, or contains some other mistake of fact, there is no mechanism in place to resolve problems. The state which sent the order is inaccessible to the non-resident parent and the state IV–D agency in their state is not even aware of the order or that a case exists in another state.

Families report PRWORA has not helped and has hurt!

Statistics indicate little or no effect from any portion of PRWORA. Lack of results from the expanded Federal Parent Locator System with the National New Hire Directory and Case Order Registry are particularly disheartening.

ACES members report no noticeable improvements since enactment of PRWORA, even with the National New Hire Directory reporting that 3.5 million matches were found in 2000, more than triple the 1.2 million matches in 1998. Our research shows that the majority of the 3.5 million data matches made by the National New Hire/Case Order Registry have not been acted on by the State IV–D agencies. Certainly collections have not tripled since 1998. For example:

Texas processed 2,481 income-withholding orders due to New Hire information from the National Directory in three months. Texas received over 300,000 matches from state and the National New Hire directories.

Virginia reports averaging 100,000 matches/year with their State New Hire Directory, resulting in collections of $7.5 million. This is $75/match. For 180,000 matches/year with the National Directory, collections of $13 million resulted. This is $72/match.

Iowa reported 20,000 matches to date with the National New Hire Directory and has collected $365,297. This is $18/match.

Arizona, in three months of comparisons with the National New Hire Directory, located 11,218 matches. No data is available for the number of cases where action was successfully taken to collect support. The intrastate New Hire Reporting System resulted in collections of $13 million on 45,083 matches. This is $288/match.

Minnesota, in FY 1999, had 39,078 matches with its state directory, and collections increased by $11.6 million (3%). This is $296/match. Minnesota is averaging 166 matches/day with the National New Hire Directory, but no data is available on the action taken on these matches.

The Federal Office of Child Support reports they have made matches of delinquent parents with financial institutions for 900,000 accounts since August 1999. The accounts are valued at about $3.5 billion. No data is available about whether any of these accounts were successfully attached to collect child support.

Problems exist with the bank account attachment process. Administrative Process is used by 31 states to attach bank accounts; 12 states use Judicial Process; and 7 states use both. Twenty-six states do not accept orders from other states, 2 states sometimes accept orders from other states, 1 state leaves it up to the financial institution, 8 states have not yet made decisions about whether or not they will accept out-of-state attachment orders, and 2 states have state laws which are silent on the issue.

Automation problems

Since the 1984 Child Support Amendment passed, Congress has been giving states incentives and funding to put statewide computer systems in place. Many deadlines have passed or have been extended. In the 1988 Family Support Act, states were told to have computers in place by Oct. 1, 1995 in order to receive 90% federal funding. When only 1 state met this deadline, it was extended to October 1, 1997. When only 21 states met this deadline, penalties were changed so that states could get waivers to penalties if they were making sufficient progress on computerization.

The Federal Office of Child Support reports the following [10]

Montana was the only state to the meet the October 1, 1995 deadline.

The October 1, 1997 deadline was met by Delaware (conditional), Georgia (conditional), Virginia, Washington, West Virginia (conditional), Arizona (conditional), Utah, Connecticut (conditional), Wyoming, Mississippi, Louisiana (conditional), New Hampshire, Idaho, Colorado, Oklahoma (conditional), Wisconsin, Rhode Island (conditional), Guam, New York (conditional), Iowa, and Alabama (conditional)

Certified in 1998: Texas (conditional), Arizona (conditional), North Carolina (conditional), New Jersey (conditional), Vermont (conditional), Puerto Rico (conditional), Maine, Tennessee (conditional), Minnesota (conditional), Kentucky, South Dakota, Arkansas, Massachusetts, Florida, Missouri, and Hawaii

Certified in 1999: New Mexico (conditional), Illinois (conditional), Oregon (conditional), Maryland, Pennsylvania (conditional), Arkansas

Certified in 2000: Washington DC, Indiana, Kansas, North Dakota, Nevada

States NOT Certified (representing 4.6 million children owed $24 billion in unpaid child support): California, Michigan, Nebraska (report pending), Ohio, South Carolina, and the Virgin Islands

Conditional Certification for many states is due to the inability of their computer systems to process referrals. Because of lack of action by the U. S. Justice Department, few charges have been filed under the federal criminal non-support statue. In 1995, charges were filed on only 82 cases. In 1996, charges were filed in 104 cases. In 1997, charges were filed in 212 cases. In 1998, charges were filed in 249 cases; and in 1999, charges were filed in 396 cases. In 2000, charges were filed in 405 cases. There are 7 million children owed $25 billion in unpaid child support with interstate cases.

Poor customer service

The number one complaint that ACES receives from families is about state IV–D child support agencies on our Hot Line is that they are provided poor customer service from local agencies. Families report that they are victimized by caseworkers who tell them, "What do you expect, you went out and got yourself pregnant?" or "What did you do to make him so mad he won't pay?". Not even one state has a system for notifying clients of actions taken on their case. Families report that they are unable to understand quarterly distribution notices, if received, and that there is no system in place for the notices to be explained to them. Families report that many IV–D agencies restrict hours when they will accept phone calls from families to obtain or give caseworkers information. This is a major barrier to families providing agencies needed information about location and employment status of non-

[10] Certification Reviews of Child Support Enforcement Systems, Division of Child Support Information Systems, January 6, 2000.

payors. We have not found even one state which sends delinquency notices to non-payors when they miss a monthly payment.

Liens on property not routinely used

Only 15 states report routinely placing liens on property of non-payors. Twenty six states report that placing liens is a difficult and technical legal action.

Suspension/revocation of licenses rarely used

Although proven effective, suspension or revocation of professional licenses is rarely used by any states. Suspension/revocation of fishing and hunting licenses is rarely used by states. Most states do not have any effective system for recreational license suspension/revocation. Several states identify non-payors who buy fishing or hunting licenses and ask them to voluntarily report themselves when making a license purchase at a local carry-out, sporting goods store, etc. This has been very ineffective. Colorado recently did a study of suspension/revocation of driver's licenses and their reporting to credit bureaus for failure to pay child support. Support collections increased 20% within the first six months following notices being sent to non-payors. Only a few states have an on-going program for driver license suspension and/or credit-reporting, and often these states only make the threat action. Thousands may receive notices of potential suspension but only a small percentage are actually suspended.

Expedited process and federal timeframes are not being followed by state IV–D agencies

ACES members report a 1–3 year wait to establish paternity, 2 years to establish an order, 6–9 months for an income-withholding, 6–9 months for court hearing, 1–3 years for modification, 5 years for medical support establishment and/or enforcement, 1 year for a Federal Parent Locator results, and 1–2 years for action on interstate cases.[11]

Private child support collection agencies prey upon desperate families

> "I signed the contract with a private child support collection agency because the District Attorney office had done nothing in two years to collect the $10,000 in child support due to my children. I didn't realize that I had given the company power of attorney so payments go to them not to the DA and then onto me. I didn't realize the contract defined current support as back support. I thought the private collector would only get 33% of any back support collected as a recovery fee. Instead, the contract gave them 33% and attorney fees so it added up to 44% or more of any support collected. When I got my first check, and 44% was missing. I called to complain and found out the truth. Now I have to hire an attorney to try to break this contract. I don't have the money to pay the attorney. How can this company advertize one thing and do another? My children are the real losers here and I was the pawn"—a caller to ACES Child Support Hotline from Los Angeles, CA (January 2001)

Families entitled to child support enforcement services, who are mainly low income face a new problem—being preyed upon by unscrupulous private child support collection agencies. The private companies are not licenced or regulated by state or federal laws because child support is not considered a debt under the Fair Debt Practices Act. Private collection agencies have been soliciting families via TV and Radio ads, promising much needed child support payments. Often they require the custodial parent to sign a power of attorney and contracts which are adhesion by legal definition. These contracts are almost impossible to break, have many hidden clauses, and usually result in the family losing 40–50% of the child support due to them to the private collector as a fee for services.

Private collection agencies for child support do not work any better than the government child support agencies. These agencies do not and should not have access to confidential IRS information. They should also not have access to state information; such as tax records, employment records, worker's compensation records, and any other protected government records. The private agencies collecting child support are currently not regulated. In fact, the U.S. Supreme Court recently ruled that these agencies do not fall under the regulations of the Consumer Credit Protection Act.

Custodial parents who have used private collection agencies have encountered many problems:

[11] ACES annual membership survey (2000).

- The private collection agency collected payments from the non-custodial parent but never sent the payments to the family. This is literally stealing money from the children.
- Private agencies have closed down and totally disappeared after custodial parents have paid application fees of over $100.
- Private collectors take fees for money they had no part in collecting. For example: The private collectors got paid by taking their 30% fee from an IRS refund that the state government child support agency attached.
- Families owed support have had to pay additional court costs and attorney fees on top of the 34% fee taken from the child support collected.
- Defined current support as back support in the contract and included language wich states that if even one payment no matter the amount is collected in the first 12 months the contract is binding until all support due, current and back, is collected. This binds the family to the contract forever.

Other pending federal legislation ACES supports

H.R. 866, sponsored by Rep. Bilirakis (R–FL) would assist millions of children. The intent of the bill is to ensure that children benefit from federal assistance received by a low-income non-custodial parent. Language needs to be added to the bill to make sure that receipt of food stamps, TANF, medicaid and other means tested programs needed for basic necessities are exempted. Other programs such as job training and college education should not be affected due to the *good cause* provision and the *payment arrangement* section.

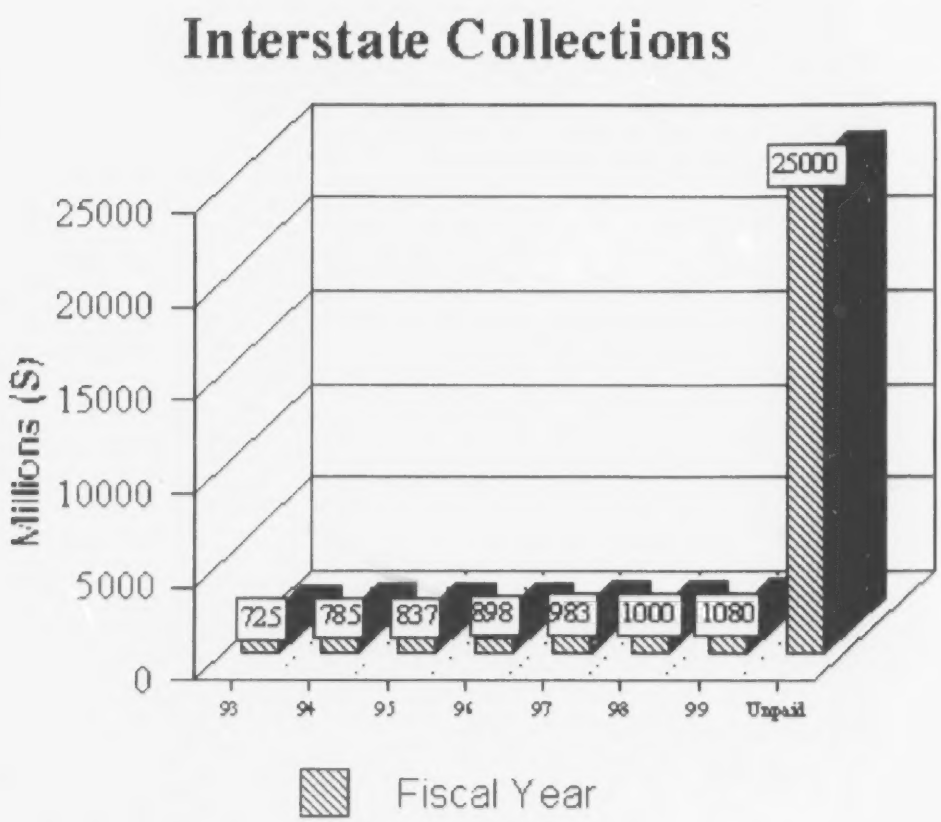
Here are a few examples of federal programs where parents who fail to pay child support currently can and do receive federal funding which does not benefit their children. HR 866 is needed to prevent those who neglect their children from receiving these types of federal assistance.

- Creation and Presentation Grant money to creators for literary publishing, cultural festivals, and various types of artistic or cultural exhibits funds given by National Endowment of the Arts.
- Grants to Develop New Technology money to venture capitalists for the creation of high risk technologies' funds given by National Institute of Standards and Technology.
- Business and Industry Loans Money to developers for modernizing or purchasing land, building, machinery.
- Heritage and Preservation Grant money to creators and inventors for projects that present to the public conservation of art or exhibits funds given by National Endowment for the Arts.
- Money doctors for constructing medical facilities incorporating new construction concepts' funds given by U.S. Department of Housing and Urban Development.
- Money to Create Recreation Areas money to families to buy their old farm for the creation of public recreation areas funds given by National Park Service.

H.R. 1618 (Rep. Zoe Lofgren, D–CA). The bill will allow child support to be treated in the same manner as taxes by allowing the custodial parent to receive a tax credit for unpaid child support and essentially turning the unpaid support into a tax bill for the obligor.

H.R. 413 (Andrews, D–NJ 1st)—Will create child support trust accounts to hold profits from sale of real estate in trust for children, if the seller owes child support. This will stop non-payors from profiting on real estate sales while avoiding their obligations to their children.

H.R. 869 (Castle, R–DE) Will allow federal income tax refund intercepts to be applied to child support that is owed for children who are older than 18. This stops the incentive for active evaders to hide from their families until the children reach age 18.



IRS Offset Chart 5

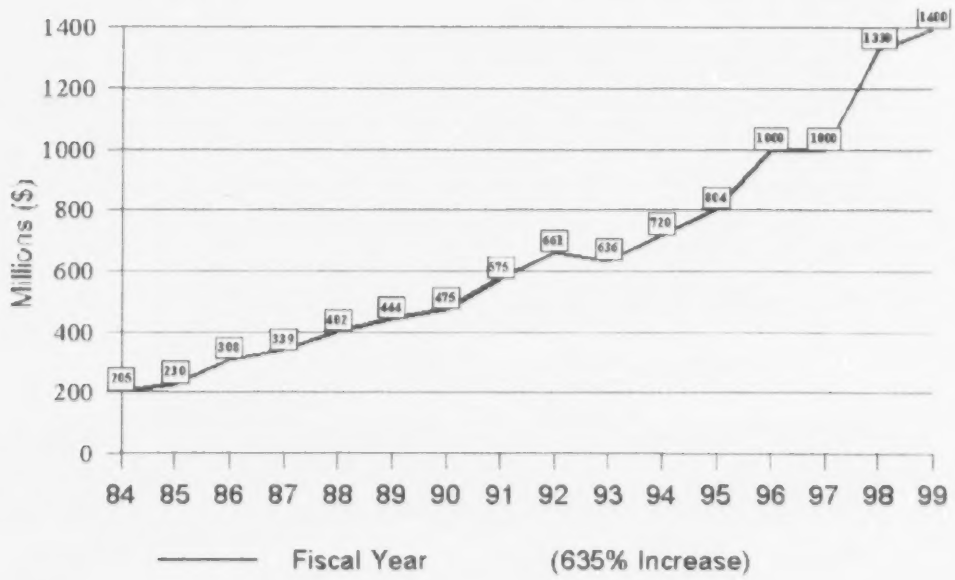


Chart 4—IV-D Collections

Number of Cases:	16.4 Million
Dollars Collected:	$15.4 Billion
$25 in costs for every **$100** collected	
55.5% from payroll deductions	

Chart 4a—IRS Collections

Number of Taxpayers:	268 Million
Dollars Collected:	$1.9 Trillion
$0.44 in costs for every **$100** collected	
83% from payroll deduction	

Chart 6—IV-D Summary

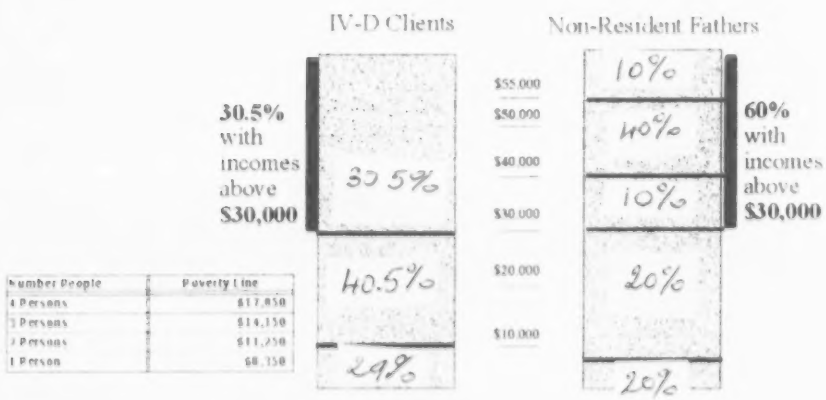
- New Hire reporting leads to payroll deduction in mainly cases
- No system for collecting from self-employed
- Lowest collection rate for interstate cases
- 26 state don't accept interstate bank account attachment orders
- Major problems with SDU's and statewide computer tracking systems
- Poor track record for customer service
- Poor track record on collections: rare use of liens, license revocation, referrals to the U.S. Attorney

Chart 7—IRS Summary

- New hire reporting: payroll deduction in almost all cases
- Collection system for self-employed taxpayers
- Interstate cases not an issue
- Bank account attachments routinely attached: 500,000 a year
- Recent automation improvements
- New customer service improvements: Taxpayer Bill of Rights
- Good track record on collections: 83% citizens pay taxes (17% are non-filers)

Income Distribution

Chart 3



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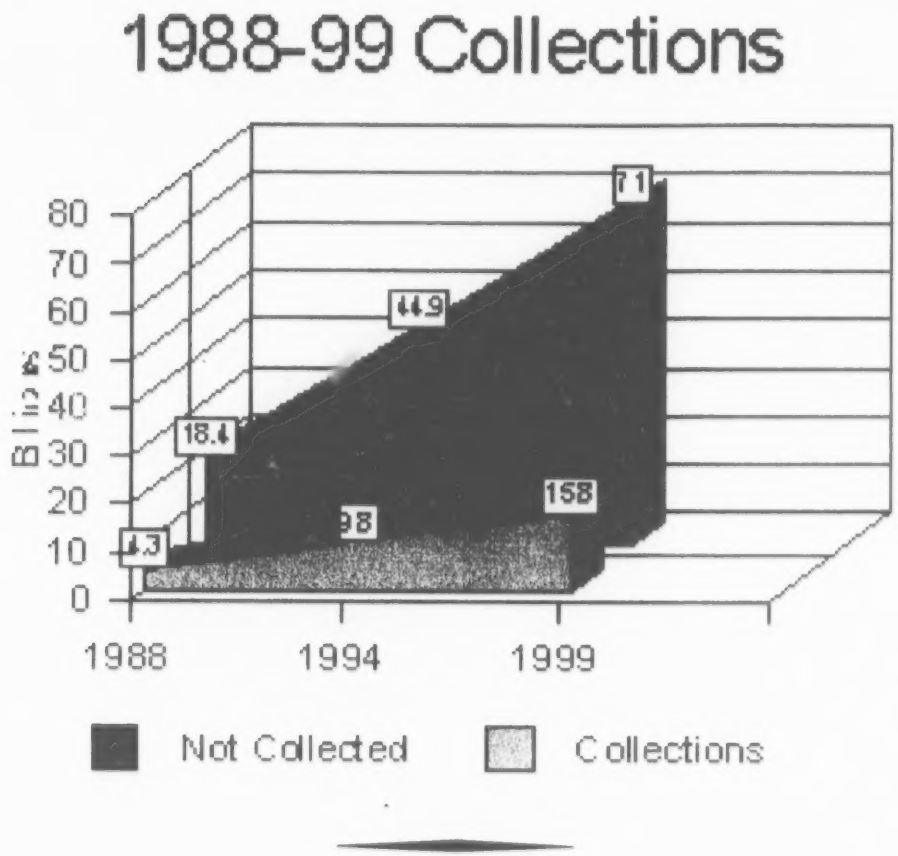

Statement of Reverend Dennis Austin, Salisbury, North Carolina

Attn: Chairman, Congressman Wally Herger

Chairman Herger and Members of the Subcommittee, although I am a minister who runs a help-line for suicidal depressives, I have also had experience dealing with non-custodial parents. Being able to speak here allows me to share a unique perspective of the problem with child support enforcement, both its causes and its costs.

If possible, I would suggest that your subcommittee recommend that the G.A.O. investigate the true costs of collection. Typical of most states are hidden costs incurred when states "borrow" attorneys from their attorney general's office in order to prosecute non-payment. Unfortunately, in Virginia, much as in Florida and many other states, most who do not pay are unable to pay. The cost of incarcerating Virginia fathers is not factored into the actual cost of collecting their past due support. Nonetheless, when a member of Virginia's 1999 Child Support Quadrennial Review Commission motioned to have that commission sponsor a bill to determine both the cost of incarceration (versus the actual dollar amount owed) as well as the numbers of fathers imprisoned (it has been estimated that 20–30% of Virginia's county jails are comprised of support delinquent non-custodial fathers), his motion was voted down by the judges, lawyers, and state legislator who served with him.

That state's Director of Child Support Enforcement was made aware of one stunning fact: when fathers are given adequate parenting time with their children, child support payments reach almost 90%! It seems that only Oklahoma, led by Governor Keating's determined effort to stem the high rate of divorce in his state, has taken that into consideration. Almost two years ago, he signed into legislation a pedente lite bill that allows either separating or divorcing parent to ask for shared residential parenting rights of his or her children. That legislation has not only served to guarantee that children of divorce will retain both parents. It also eliminates most child support enforcement costs because both parents share child-rearing costs and

responsibilities. Most importantly, it removes a significant incentive for divorce: the "reward" that follows the winner of sole custody.

Oklahoma's legislation accomplishes a number of other important things. Among them is the fact that fathers—I say fathers because, historically, mothers have been given sole custody in almost 90% of cases, are not minimalized as parents. As a result, children do not suffer the emotional and behavioral and educational deficiencies of children raised in single parent homes. Such costs, those of addressing the problems of fatherless children, must be factored in to the costs attributable by the G.A.O. to child support implementation. It is enormous.

And not just to children raised in single parent homes. What must also be considered are the hidden costs of the non-custodial parent's lost productivity. And, worse than that, the tragic expense of human life as measured by the number of suicides by fathers denied adequate access to their children. Thanks to legislation like Oklahoma's, that profound expense can be reduced to zero. And that is a number, Mr. Chairman, that, I'm certain, both the G.A.O. and your subcommittee can truly appreciate.

Responsibility for Child Support

When it comes to Child Support, most everyone recites the same mantra. Fathers are to blame for children growing up without a Father. The mantra goes something like this, if we can just get Fathers to be responsible and pay the Child Support, then children and moms would be right with the world. Even so-called Pro-Father statements include, "promoting responsible Fatherhood". What that really means is holding Fathers accountable to pay Child Support.

But just who is responsible and who is irresponsible when it comes to Child Support.

Mothers who deny visitation are not being responsible. Collecting Child Support and denying the Father access is not being responsible.

Lawyers who seek maximum Child Support just so they can get paid are not being responsible.

Guardian ad litems who routinely separate Fathers from their children do not act in the best interests of the children and that is not being responsible.

Judges who routinely treat the guidelines as minimums when awarding Child Support are not being responsible.

Politicians (mostly lawyers) who know the current guidelines are flawed are not being responsible.

Current Child Support guidelines do not leave the Father a living wage. If a Father increases his income, he is further penalized. This is a no-win situation. Mothers, lawyers, guardian ad litems, Judges and politicians, by their irresponsibility, make their idea of a "Responsible Father" impossible. The notion of destroying a child's Father is in the child's best interest is ridiculous and totally irresponsible.

[Attachments are being retained in the Committee files.]

Ledyard, Connecticut 06339
June 28, 2001

Allison Giles, Chief of Staff
Committee on Ways and Means
U.S. House of Representatives
1102 Longworth House Office Bldg.
Washington, DC 20515

RE: Child Support

Dear Ms. Giles and others,

Thank you very much for allowing my comments to be delivered to Congress on this important topic.

I am a single father residing in Connecticut (formerly R.I.) with a 20-year old son living with his married mom in Massachusetts. The laws of Massachusetts governed our divorce and subsequent modifications, typically for child support. This process of modification has been ongoing since generally 1983, about a year after our son was born.

I refuse to disparage anyone, and would prefer instead to offer Congress some constructive ideas to address this former "issue" which has evolved into a national "phenomenon." The fact is that past laws and legal wrangling only addressed a "band-aid" approach versus looking squarely at the problem. I submit that this im-

portant issue be standardized throughout the country, versus each state having differing views and laws on this topic.

First, I must ask that society at large NOT view fathers as some unnatural element of a child's family or future, as well as a "paycheck." We individually and collectively have feelings towards our own and other's children. We individually and collectively prefer to be an influence in our children's lives. We individually and collectively want the best for *all* children, including our own. It is wrong to assign the negative elements of some arrogant, disruptive, or even "deadbeat" dads to the whole, which appears to be society's answer to fathers. I am not quite sure of the percentages of "good" versus "bad" dads, but I don't act nor care to be a negative influence in my own son's life.

Second, it appears from this writer that most custodial parents (usually mothers) see money as a motivating force against custody and visitation for the non-custodial parent (typically fathers). You will hear a lot about joint custody, and the influence of the father.

I might be different in this respect, but I do not condone joint custody as that is meant by others, and I base this on first-hand experience. Joint custody as probably meant by others is an almost equitable schedule of parental visitation and physical control over the life and mind of a child of that marriage. I submit that this is nearly impossible to accomplish, for a variety of reasons: (1) the child gets lost in the discipline of two or more households; (2) it is sometimes impossible for parents to regulate schedules to accommodate the "transfer" of the child; (3) in some cases, the child suffers from abuse (physical, *and mental*) which caused the original marital breakup; (4) it introduces a new "feature", or person, into the parent-child relationship, which may be good or bad, depending (for example, one parent may now become indifferent to the child when the "dating game" commences)—where is the child when that happens?

Nonetheless, I firmly believe that children deserve the presence and influence of the non-custodial parent, rather than a complete obliteration of parental rights, which appears to be slowly evolving in this country. I do feel saddened by those fathers who do not want any relationship with their children, but I believe that their attitude stems from having to awkwardly deal with their ex-spouse, which may resurrect some animosity.

Another issue is finances. There appears to be a wide berth of custodial guidelines among the various states, especially as they deal with child support. For example, Massachusetts assigns a certain percentage of "gross" income depending upon the age and number of children to the marriage or adjoining marriage. Most other states that I am aware of assign a percentage of "net" income. That is why, in the 80's especially, many fathers from Massachusetts went to alternate states for a change of venue in order to reduce child support requirements. Rep. Barney Frank can attest to this, as he introduced a bill—I believe in 1986—that disallowed such an adventure—regardless if the custodial spouse had counsel present in her divorce.

Massachusetts support requirements are simply too expensive and it could be for a variety of reasons (too expensive to live near Boston versus the balance of the state or elsewhere; "good" fathers paying for the sins of the "bad" fathers, to put it very simply, so that the state does not have to bear the burden of increased child welfare; legal costs, etc.). The father in the latter instance went to Florida courts simply because he could not afford expensive support. I submit he left because of the finances of the situation, and would have stayed involved in his children's lives had there been more equitable treatment.

Does Congress realistically want fathers to be part of their children's lives? Or must fathers travel elsewhere (or take on many jobs) for financial reasons, and thus remove themselves away from their sons and daughters?

In many instances, and because of expensive support requirements, non-custodial parents (i.e., fathers) see their living arrangements dwindle economically and substantially. Yet there is no incentive to gain additional employment, because this additional income gets further eaten up by the support requirements—regardless if their child's cost of living hasn't changed one iota.

The result? Because of various support requirements (child support @ 25% on average; federal, state, and local taxes @ approx. 30%; rent or mortgage @ 25%; utility bills @ 10%, of a weekly paycheck), the father generally has to live on just 5% of his net income. The mother's income, however, *increases* because of the support, in most cases by 25%, admittedly less as a percentage of income if there is more income in her household. There is quite a disparity between households ... especially if the custodial parent re-marries and lives in a mansion because of her new combined income. This is not taken into account.

The added income would only replace what was taken; PLUS, because of the added employment schedule, the visitation schedule is thereby reduced concomi-

tantly (the father never gets to see his child, often because of two or three jobs). The custodial parent begins the cycle of support modification yet again, because of the expected added income. Again, no incentive for added income.

There ought to be equitable financial treatment in court orders, as well (i.e., and I hate to use these words, but "what's good for the goose is good for the gander"). Too often I've seen judicial modification orders where the father has to "... report any and all changes in income. ..," yet the mother is *not* required to report *her* changes in income—even though she is quite capable of work (and sometimes *is* working via crafts, home businesses, etc.); the children have grown and are no longer present during "mother's hours". Discovery material and judgments ought to treat non-married parents equally, especially as to work reporting requirements.

Another financial issue relates to unemployment. In some instances, a non-custodial parent under court-ordered child support loses his position, becomes unemployed, and begins receiving unemployment compensation. Yet the court-ordered child support remains. The reply is to return to court to reduce the payments. Yet to do so: (a) costs money for lawyers; and (b) by the time any hearing comes, generally 6 months later, the non-custodial parent has started new work. The support order during the unemployment phase eats up over 50% of the unemployment compensation, AND, the other bills remain the same during this period (**WHICH INCLUDES FEDERAL TAXES**). This forces the parent to perhaps work "under the table" (which is illegal) just to maintain bills, or go to work at menial jobs, and thus have to report this new income (and new court modification) while he is out looking for a better job (and cannot find time for an interview because he is working at this menial job ...). The custodial parent thus does not share in the problems of the non-custodial parent, even if it was not of his own doing.

Another issue involves a custodial parent using another state to gain what she couldn't in the governing state. For example, using a doctor-child privilege in an adjoining state to unwarrantedly disparage the non-custodial parent, and bringing that evidence into the governing state. The governing state thus orders new visitation, regardless if it is warranted, but only under the supervision of the doctor in the adjoining state. The doctor then suggests that they cannot enforce another state's order—the non-custodial parent thus has to go to the adjoining state's court for a similar court order, and for a few more $$ thousand. Where is the justice in using adjoining states?

An important issue is arrearage—when does it begin?? I submit that you have 501 House Members, with 501 different answers. Does it begin at the moment of filing a complaint for modification? At the moment of hire for the non-custodial parent? At the moment when the custodial parent finds out about any new job of the non-custodial parent? At the moment of the court order filing for increased support with the clerk of courts?

An example of this in action was when the non-custodial parent (the father generally) was hired for a new job, and alerted the mother, by phone and by correspondence with their child—not once, but on three separate occasions, close apart. The mother delayed filing for a modification of increased child support 5 months later. During the 5 months interim, she also telephoned the father (proven by phone records) at his new place of employ (so she cannot state that she was not aware of where he worked). Seven months later they were in court, and the court *retroactively* assigned an increase in child support to the date of hire—the father is thus in **immediate** arrears to the tune of thousands of dollars, and is automatically told by his friends and employer that he is a "deadbeat dad"—even though he did everything by the book!! He also had to forego subsequent tax payments in order to pay child support or face incarceration, and is now in arrears with the IRS!!

So when does arrearage begin?

Why incarcerate a legitimate "deadbroke dad"? That only makes him lose his job to begin with, and thus spiral ever downward. How can he earn a living from prison? Again, a band-aid approach ...

In summary, I want to request that child support be somewhat standardized nationally (percentage of "net" versus "gross" income, for example), AND, that fathers NOT be considered as merely a paycheck, which is the personal bias of many, many judges—we want to be a direct influence in our children's lives.

And so do grandparents. ...

Respectfully,

Robert E. Brien

Statement of Patrick R. Caffrey, Seeley Lake, Montana

Until constitutional guarantees are incorporated in national child support policy, legislation presuming to provide for the children of disassociating parents will fail.

The United States Supreme Court, from 1925 to the present, has repeatedly and consistently held that the care, custody and control of children by their parents is a fundamental liberty interest protected by the Bill of Rights and the 14th Amendment.[1]

Congress should stop pretending the child support enforcement apparatus, which treats parents worse than felons, isn't being used as a welfare plan where parasite parents are enriched to advance personal lifestyles while forcing slave parents out of their children's lives.[2]

For millions of Americans there is no American Dream. For them this nation has become a gulag where they are stripped of their parental authority in their children's presence, prohibited from pursuing logical career decisions, and pre-empted from managing their own finances for the benefit of their children, their estranged parenting partners, and themselves. Their freedom to travel is at risk, and they are subject to police harassment and imprisonment. Their constitutional guarantees are routinely ignored in statute and practice. Even children and the parents they live with most of the time are degraded by a system that rewards immoral opportunism and vindictive motivations. In short, national policy professes to operate for the best interests of children, but the opposite effect is achieved. This policy increases the adversarial tenor of incompatible parents who might otherwise restructure their children's upbringing in a more positive and accommodating manner.

Destruction of parental involvement increases with the conscientiousness of the disenfranchised parent. Those most vulnerable are those guilty of the following crimes:

- Being a parent
- Being a responsible citizen
- Believing in our system of government
- Caring for their children

Those of less integrity can evade their natural parental obligations. The apprehension of some of them is of no real benefit to their children, since money can never replace a parent. Meanwhile, dedicated parents become financially and spiritually exhausted fighting in a process where even eventual vindication guarantees government-sponsored psychological child abuse.

The underlying cause of the problem is federal involvement. The Family Support Act of 1988 generalized children's needs. States were then mandated to implement presumptive rather than advisory child support guidelines. The path of least resistance for judges and administrators is to accept presumptions. This is the heart of the problem, as it places the burden of proof on parents to rebut presumptions.[3]

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[1] The presumption that children's interests override parental rights in all cases leads to laws and regulations which place the burden of proof on parents to show they are fit. Such impediments can not be placed on fundamental liberty interests guaranteed by the constitution, nor can these rights be compromised for administrative convenience. The U.S. Supreme Court has established that, "The State cannot, consistently with due process requirements, merely presume that unmarried fathers in general ... are unsuitable and neglectful parents. Parental unfitness must be established on the basis of individualized proof." (*Stanley v. Illinois, 405 U.S. 645 (1972)*). "It is the government's burden to demonstrate an overriding interest in order to validate an encroachment on protected interests" (*Elrod v. Burns, 427 U.S. 347 (1976)*). "The only requirement being ... the best interest of the child ... sweeps too broadly ... The Federal Constitution permits a State to interfere with (parents' fundamental right to rear their children) only to prevent harm or potential harm to the child." (*Troxel v. Granville, (99–138) (2000)*).

[2] Laws designed to bring a few deadbeats into parental compliance are instead forcing millions of children to live with single parents who subsist on "child support" which is, in its present form, a welfare plan underwritten by non-custodial parents. It is public policy that parents must work to serve their children. Diversion of support money without accountability to provide for another adult, who is not likewise required to work, runs afoul the U.S. 13th Amendment. Also, it is a parent's constitutional duty to ensure that resources are directed to their children. The state, acting as *parens patriae*, tells parents to presume their money is benefiting their children, and that children are enlightened to become model citizens when they see one parent become a slave and the other a parasite.

[3] The constitutional problems with federally mandated presumptions are not insurmountable. There is no federal prohibition that a state cannot by statute review worksheet awards that have been found to be federally correct. States should be required to make particularized written findings in ALL cases. To find for a presumptive award as correct, a court should state "the

Continued

Parents should spend their time and money on their children, not on struggling to conform to arbitrary guidelines or proving to the government that they merit constitutional protections.

Actual earnings are always acceptable for raising children of married parents. We pay taxes on what we earn, not on what we could have earned. Yet disenfranchised supporting parents are forced to pay a percentage of what they presumably could earn.

Most state procedures calculate the amount of funding necessary to replicate the family standard of living. They then assign all the money to one parent. The only way the paying parent can maintain previous parenting styles is to pay for them twice.

The "best interests of children" as a matter of public policy has been regarded as the best interests of children as a constitutional right. The two standards are not on par. Children do not have a constitutional right that their best interests be met. If they did, every family would be subjected to continual government interference to determine and maximize benefits to their children. Parents would have to choose between the interests of their children and the protection of their individual rights. The constitution would force parents to become adversaries to their own children. Sadly, this happens to divorcing parents. Parental rights in this disenfranchised class of citizens are subordinated to the presumed rights of their children. The preeminent interest of children should be that the constitutional right of parents to the care, custody and control of their children be preserved. Otherwise, the State is telling children their parents don't have rights, and neither will they when they have children.

Adversarial custody battles are now pursued, not to benefit children, but to use children as a shelter from persecution by an orwellian child support enforcement regime. Those who insist children need government protection from hostilities between their parents have created a self-fulfilling prophecy.

Our children deserve for two cooler heads to prevail.

When considering family legislation, please consider, "Could I force this upon married parents?"

Bridgton, Maine 04009
July 9, 2000

Allison Giles, Chief of Staff
Committee on Ways and Means
U.S. House of Representatives
1102 Longworth House Office Building
Washington, D.C. 20515

FATHERHOOD ISSUES IN THE TWENTY-FIRST CENTURY

Modern Tools for Modern Familics

Issues that must be consiered in the development of laws and policies that impact fathers and children of divorce should include the following:

1. Fathers are taking increasing role in parenting.

The most recent U.S. Census Department data indicates that 22% of single-parent homes in the U.S. are headed by fathers. That amount is 47% higher than the typical estimated amount used by policymakers in the U.S. Numerous studies, notable by Barnett and Rivers, indicate that (especially among younger fathers,) fathers are putting their parenting obligation ahead of career and any other interests.

In Maine single-parent households headed by fathers is a high 27%, which is estimated to be about twice the rate that fathers are assigned primary custody by courts, and estimated to be about 4 times more numerous than child support cases where men would be the recipients of child support.

Fathers' actual role in parenting is probably twice to four times greater than that presently recognized by the courts or support collection agencies.

2. By considering the roles of most fathers of divorced children in the U.S. to be that of a "non-custodial parent", U.S. and state agencies use a term of convenience; rather than a term that describes an accurate role of many divorced fathers today.

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non-custodial parent is unfit, neglectful, absent, or nonparticipating." This appears to increase the judicial system's workload. More likely, a parent who is not guaranteed windfall enrichment at the expense of the other parent would be more rational and considerate of the children's needs, reducing case loads.

"The structure of single-parent households has also been affected by the fact that more parents have shared legal custody for their children. This means that it is the right of both parents to be involved in important decisions, like health care, even when the children reside primarily with one parent. In addition, some parents are deciding to take primary physical responsibility for one or more of their shared children, and some states are no longer using the term 'custody,' but instead are allocating 'parenting time' between the mother and father." (The Medical Child Support Working Group Report, June 2000, page 1–4)

Even the reports being issued US Office of Child Support Enforcement, such as the report above, are recognizing that the term "non-custodial parent", is, in fact, obsolete in many situations.

3. Disenfranchisement of fathers from the policy process.

Few studies or panels that investigate divorce, parenting or child support include representatives of fathers or non-custodial parents. Fathers are under-represented, if at all, in the policy making process that affects both them, and their relationship with their children.

In most states there are no programs available specifically designed to assist divorced fathers.

In order to permit an air of legitimacy to the process of developing laws and policies that affect fathers of divorce, fathers will need to have their input considered, and adopted into the laws and policies.

I thank you in advance for your consideration of these issues.

Respectfully Submitted,

Tom Chandel

cc: Rep. Tom Allen
Sen. Olympia Snowe
Sen. Susan Collins

Statement of Daniel L. Hatcher, Senior Staff Attorney, Children's Defense Fund

Chairman Herger and Members of the Subcommittee, thank you for the opportunity to submit this statement for the record regarding child support and fatherhood proposals. The Children's Defense Fund (CDF) is a private, nonprofit advocacy organization whose mission is to Leave No Child Behind®. We receive no government funds. CDF provides a strong, effective voice for all the children of America who cannot vote, lobby, or speak for themselves.

The effectiveness of the child support program is now steadily improving, in large part due to the 1996 child support reforms. However, poor children in families receiving welfare or leaving welfare for work often receive little of the child support collected on their behalf. The success of the child support system is significantly reduced for poor children due to the continued use of child support to recover welfare costs, and due to the fact that low-income noncustodial parents often cannot afford to pay support.

Last year, the House of Representatives overwhelmingly passed the Johnson-Cardin Child Support Distribution Act of 2000 (H.R. 4678) by a vote of 405–18. Billions of dollars in child support would have been re-directed to children. The Act would have also provided funding for much-needed programs to help low-income noncustodial parents improve their economic status and provide better support for their children. H.R. 4678 was referred to the Senate, and a similar Senate bill was introduced. Unfortunately, the Senate did not take action on the bill.

The Johnson-Cardin Child Support Distribution Act has been reintroduced in the House this year (H.R. 1471), and is also incorporated into the Act to Leave No Child Behind (H.R.1990/S.940), an omnibus bill for children supported by the Children's Defense Fund and many other organizations and child advocates. It is crucial for Congress to act quickly on this legislation. As TANF time limits run out, and more and more families continue to try to follow the rules of the new welfare law and work towards family independence, the child support system must be changed to support, not hinder, the efforts of custodial and noncustodial parents to support their children.

Performance of the child support program is improving.

Child support enforcement tools have been strengthened in recent years. Wage withholdings were made mandatory in 1988, and then were made more effective when the National Directory of New Hires was established in the 1996 welfare law,

the Personal Responsibility and Work Opportunity Reconciliation Act ("PRWORA"). Employers must now report all new hires to state agencies that then transmit the information to the National Directory of New Hires. Child support offices can then check the directory against a list of noncustodial parents with overdue child support. After a match is made, a wage withholding order is issued to deduct automatically child support payments from the noncustodial parent's paychecks.

PRWORA also required each state to implement centralized computer systems for collections, made improvements to paternity establishment, and provided uniform interstate child support laws to address enforcement complications that exist when multiple states are involved.

With the strengthening of enforcement tools and increased recognition of the importance of child support for child well-being, the performance of the child support program has improved. $15.8 billion in child support was collected in 1999, a 10 percent increase over fiscal year 1998, and according to the U.S. Department of Health and Human Services, that number reached $18 billion in fiscal year 2000. Paternities were established and acknowledged for 1.5 million children in 1999, about a 220 percent increase over fiscal year 1992. The child support collection rate has doubled since 1995.[1]

Continued improvements are needed to help low-income children.

Low-income children of current and former welfare recipients have the greatest need for the additional family income possible through the receipt of child support payments. The child support program can have a significant anti-poverty effect—when it is successful in getting support payments to families.

- Among custodial parents receiving none of their ordered child support, the poverty rate was 35.7 percent whereas for those receiving all the support due, the poverty rate was 15.2 percent.[2]
- For poor families who get child support, the child support amounts to 26% of the family's budget, or $2000 per year.[3]
- Even small amounts of child support going to families that received TANF assistance reduce the likelihood that the families will need public assistance again.[4]

Unfortunately, the bulk of the collections are not reaching those children with the greatest needs. Almost two-thirds (63 percent) of the IV–D child support caseload is made up of current and former welfare recipients, but the majority of the funds collected in FY 1999 were for families who have never received welfare assistance. Of the small percentage of owed child support that is collected for current TANF recipients (9.3 percent), very little actually gets to the families—the government kept $1.3 of the $1.5 billion collected in 1999. Former TANF recipients are getting more of the child support collected on their behalf ($3.8 billion out of the $4.83 billion collected), but still over $1 billion of the amount collected did not get to the children in families struggling to leave welfare for work.[5]

The 1996 welfare law has made the cost recovery purpose of the child support system obsolete.

In 1996, PRWORA changed the AFDC welfare program to encourage family financial independence. Child support was seen as an important part of a single-parent family's income package. As a result, the child support program began to shift its primary purpose from recovering welfare costs to encouraging both parents to support their children and actually getting child support to the custodial families.

Unfortunately, the federal law requiring families who need temporary public assistance to assign their child support rights remains, along with a complex set of child support distribution rules. The assignment and distribution rules are now in

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[1] Data is from U.S. Department of Health and Human Services press release, "HHS Announces New Record Child Support Collections" (January 17, 2001), the U.S. Department of Health and Human Services, Child Support Enforcement FY 1999 Preliminary Data Report (September, 2000), and an analysis by Vicki Turetsky, "Families Participating in the State Child Support Program," (Center for Law and Social Policy, 2001).

[2] U.S. Census Bureau, Child Support for Custodial Mothers and Fathers, P 60–212 (October 2000).

[3] Vicki Turetsky, What if All the Money Came Home? (Washington, D.C.: Center for Law and Social Policy, June 2000).

[4] Office of Child Support Enforcement, U.S. Department of Health and Human Services, 1999 Report to Congress: Analysis of the Impact of Welfare Recidivism of PRWORA Child Support Arrears Distribution Policy Changes (Washington, D.C.: U.S. Department of Health and Human Services, 1999).

[5] Paula Roberts, "The Performance of the Child Support Enforcement System: Two Points of View," (Center for Law and Social Policy, November 2000).

conflict with the goals of encouraging family independence and support for children from both parents.

The current child support system withholds support owed to children who need it the most—those in families struggling to make ends meet who have had to rely on public assistance.

Families needing TANF must assign their child support rights to the government under the outdated notion of welfare cost recovery. The effect is that child support collections are then withheld from the children, kept by state governments, who in turn pay a share to the federal government. Children often get nothing.

States do have the ability to give some child support back to families after assignment, but only after they pay the federal government its share. Currently, only a small amount of the child support is given back.

The Johnson-Cardin bill provides states with options and incentives to create child support pass-through and disregard policies to promote the goal of family financial independence. States can opt to pass through up to $400 a month in child support collections to a family receiving TANF; to the extent that the payment is disregarded in calculating TANF benefits, the state does not have to pay the federal government its share of the amount collected. Passing through at least a portion of the current child support collected ensures a smooth transition when families move from welfare to work. Often, when families do not receive any child support while on welfare, there is a considerable delay in starting direct child support payments after the family leaves cash assistance. Child support payments made directly to the family during and after TANF receipt prevent a delay in benefits during the critical period of transition.

Intercepting tax refunds is the most effective way to collect past due support for families leaving welfare—but the money is often withheld from poor children.

When families are able to leave welfare for work, the assignment of child support stops. The transition to work is a critical time where families desperately need the extra income from child support payments to achieve economic stability and avoid the need to return to welfare. In addition to the need for reliable ongoing current support payments, effective ways of collecting past due child support owed to families leaving welfare are essential. At the end of 1999, $34.5 billion in arrears was owed for families who formerly received public assistance.[6]

Intercepting federal tax refunds owed to the noncustodial parent is an increasingly successful method in collecting this past due child support. Tax intercepts account for the majority of back support collections made on behalf of families who have had to rely on public assistance. For many low-income families, where noncustodial parents' work is intermittent and child support payments irregular, intercepting federal tax refunds may be the only real chance they will have of getting past due child support.

Unfortunately, the child support system is taking this effective enforcement tool away from poor children. When families leave welfare for work, the assignment of child support stops but past due child support is still often owed in part to the government and in part to the family. Under current law, past due child support collected by federal tax refund intercepts is kept by the government to pay itself first—even when most of the child support is owed to the children.

> ***Example*** *(hypothetical): an eight-year old girl is owed almost $20,000 in past due child support (from a $200/month order that has never been paid). The girl's mother lost her job and eventually needed temporary public assistance last year—at that point, the girl had to begin assigning her right to child support to the government. The family left public assistance after just 6 months, and the child support assignment then stopped—the government is now owed $1,200 in assigned child support, whereas $20,000 plus current support is still owed to the girl. If a $600 federal tax refund is intercepted this year from the non-custodial father, the government would take all of the money from the child to pay itself first.*

As the example illustrates, the practice of the government paying itself first from intercepted federal tax refunds can result in much-needed additional child support income being withheld from families at the critical time of their transition to work. H.R. 1471 would change the child support distribution rules to ensure that child

[6] Office of Child Support Enforcement, U.S. Department of Health and Human Services, Child Support Enforcement FY 1999 Preliminary Data Report (Washington, D.C.: U.S. Department of Health and Human Services, 1999).

support collected through federal income tax refund intercepts is paid to families leaving TANF before the government takes its share.

Withholding child support from the children on whose behalf it is collected further divides already fragile families.

Children in low-income families experiencing separation or divorce need emotional and financial support from both parents. Most poor mothers and fathers want to do right by their children, and work together to support their children—yet the child support system itself can sometimes stand in their way.

When poor noncustodial fathers[7] are able to pay child support, they want to know the money is getting to their children. Noncustodial fathers become more alienated from their families when they must struggle to pay child support they know is being kept by the government. Some noncustodial parents will risk incarceration by providing money to their children directly, rather than paying government-owed support payments. Many noncustodial parents simply decide to pay nothing and avoid contact with their children.

When poor mothers and fathers attempt to reunify and raise their children together, the system of assigned child support can significantly block their efforts. Parents that reunify are often still stuck with making payments to the government in the name of "child support," because of past due child support that was assigned to the government when one parent received welfare during the period of separation.

Many noncustodial parents are poor and face barriers to employment.

For many low-income families who have had to rely on welfare, the noncustodial parents are often poor as well, limiting their ability to pay child support. Poor fathers may face multiple barriers to employment, including lack of training and education, incarceration and criminal records, lack of transportation, disabilities, and substance abuse.

Poor fathers facing such barriers to employment may accumulate significant back due child support. The problem of large child support arrearages is heightened when states add Medicaid childbirth costs to the initial order, which can amount to thousands of dollars. Large child support arrearages may then create an additional barrier to legitimate employment. Faced with seemingly insurmountable arrearages, fathers may work in the "underground" labor market.

H.R. 1471 would prohibit welfare cost recovery for Medicaid birthing costs, to reduce the creation of large state debts that may reduce the likelihood of low-income noncustodial parents paying current support. H.R. 1471 would also provide funding for demonstration projects to work directly with "dead-broke" low-income noncustodial parents to help them support their children financially and emotionally. The funding would create a competitive matching grants program for projects to promote marriage and successful parenting, and to address barriers to employment and improve the economic status of low-income noncustodial parents.

H.R. 1471 provides Congress the opportunity to stop the child support system from withholding child support from poor children, and to provide needed services to help poor noncustodial parents better support their children.

H.R. 1471 provides a tremendous opportunity for Congress to fix the child support system in order to get more child support distributed to families who have had to rely on welfare, and to provide much-needed services to low-income noncustodial parents. It is crucial for Congress to take immediate action and seize this important opportunity to help families struggling for financial independence—by making child support more about truly providing support to children, and providing services to poor noncustodial parents to help them become better able to provide that support.

Statement of Bill Wood, and Jay Gell, Children's Legal Foundation, Charlotte, North Carolina

Bill Wood is a Business Management and Technology Consultant volunteering his time to help families and children in the State of North Carolina and around the country. He is a principal custodian of a 9 year-old girl. Jay Gell is the Founder

[7] This testimony often refers to noncustodial parents as fathers for purposes of simplicity, and because the majority of noncustodial parents are men. There are also many female noncustodial parents and male custodial parents.

of the Children's Legal Foundation in Charlotte, North Carolina. A small group of about 10 people formed after personal experiences with the excesses and abuses of the divorce Industry. Its mission is to promote intact families and create national alliances to change the child-destructive divorce industry.

Affects of Fatherlessness on Children—Social Consequences.

"Children describe the loss of contact with a parent as *the primary* negative aspect of divorce."[1] Meanwhile, society is just now beginning to recognize on a widespread basis what children have known all along—; father-absence is one of the most destructive forces to children in our society. As has been noted "[f]ather-absence is the greatest social problem we face."[2] Father-absence associated with divorce and sole maternal custody, is the primary predictor of a host of societal ills affecting and destroying children.

> "The decline of fatherhood is a major force behind many of the most disturbing problems that plague America: crime and juvenile delinquency; premature sexuality and out-of-wedlock births to teenagers; deteriorating educational achievement; depression, substance abuse, and alienation among adolescents; and the growing number of women and children in poverty ...
>
> Fathers are the first and most important men in the lives of girls. They provide role models, accustoming their daughters to male-female relationships. Engaged and responsive fathers play with their daughters and guide them into challenging activities. They protect them, providing them with a sense of physical and emotional security. Girls with adequate fathering are more able, as they grow older, to develop constructive heterosexual relationships based on trust and intimacy ...
>
> Why does living without a father pose such hazards for children? Two explanations are usually given: The children receive less supervision and protection from men mothers bring home, and they are also more emotionally deprived, which leaves them vulnerable to sexual abusers. ... Even a diligent absent father can't supervise or protect his children the way a live-in father can. Nor is he likely to have the kind of relationship with his daughter that is usually needed to give her a foundation of emotional security and a model for nonsexual relationships with men. ..."[3]

Promiscuity, teen pregnancy, child sexual abuse, and ongoing difficulties in later family life are results of feminist misandry infecting society with a "father hatred" causing father-absence.

Single motherhood, once lauded by the feminist icon "Murphy Brown," has thoroughly produced its cultural "poisoned fruit" (Candace Bergen[4] and the feminists then attacked Vice President Dan Quayle for his support of the family). White teenage girls in 1988 were 72% more likely than their father-present peers to become single mothers, while there was a 100% increase for black teenage girls,[5] other studies also reported up to a 600% increase in teenage illegitimate births.[6] Over 10 years later, out-of-wedlock-births have reduced slightly and stabilized, while the subject population has reduced accounting for much of the difference.[7] In contrast, more involved fathers protect girls from engaging in first sex, lower the risk of using illicit substances, and also reduce the risk of violent behavior.[8] This protection "from

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[1] J Kelly. Assoc. of Family and Conciliation Courts, California Chapter Mtg, Sonoma, CA, Jan. 1991.

[2] D. Blankenhorn. *Fatherless America*. (New York: BasicBooks, 1995), Title page.

[3] D. Popenoe. "Life without father." In: C. Daniels, ed. Lost fathers: *The Politics of Fatherlessness in America*. (New York: St. Martin's Press, 1998).

[4] June 1992, Vice President Dan Quayle criticized the TV show Murphy Brown for promoting single motherhood. Chaos ensued and he was incessantly ridiculed by Hollywood and the media. Candace Bergen wins an Emmy for her portrayal of Murphy Brown and begins another career giving commencement speeches on University campuses. [Author commentary] With the complete absorption of feminist, anti-family, anti-father philosophy so deeply entrenched in Hollywood, the media, and gaining a stranglehold over the courts, is it any wonder that families are being destroyed, children are suffering, and our culture is decaying?

[5] S. McLanahan. Demography 25, Feb. 1988, p. 1–16.

[6] Y. Matsuhashi et al. (1988). J Adolescent Health Care 10, 409–412.

[7] Most WW2 baby-boomers are past child-bearing age and their children are beyond teenage years.

[8] K. Harris et al. Paternal involvement with adolescents in intact families: The influence of fathers over the life course, presented at the annual meeting of the Am. Sociol. Assoc., New York, N.Y., August 16–20, 1996; Univ. of North Carolina at Chapel Hill, Chapel Hill, N.C., 27516, p. 28.

engaging in first sex," or promoting abstinence, is the most certain way to reduce teenage pregnancy and avoid a whole host of issues caused by promiscuity.

Father-absence creates increases in child sex-role conflicts,[9] and a 100% increase in gender identity struggles.[10] Before it became "politically correct taboo" to treat homosexuality as a potential malady or disorder,[11] father-absence created a significant increase in the likelihood of homosexual behavior in males as well as females.[12]

The contrasts are striking because reversing the trend of illegitimacy requires, above all, presence of a father in the daily lives of children. It is not just "participation" of a father in the lives of children. It is primarily the "presence" of a father:

> "Fathers who actively engage in joint activities and interaction with adolescents promote their educational and economic achievement and fathers who maintain a close stable emotional bond with adolescents over time protect adolescents from engaging in delinquent behaviors."[13]

Some of the additional "poisoned fruit" deeply planted and rooted in young women by the "enlightened, anti-marriage, male-hating feminists" include difficulty for girls in building a stable family in adulthood,[14] increased incidence of child sexual abuse,[15] and heightened incidence of fatal child abuse by mothers.[16] Teenage boys risk a 77%[17] to 100%[18] increase in the overall likelihood of fathering an illegitimate child and therefore, as the research has shown, perpetuating the father-absence cycle for another generation (or generations to come). Teenage girls run a 92% greater risk of continuing the divorce cycle.[19] Infants and toddlers (two and younger) proved up to 100 times more likely to be killed by stepparents than by biological parents.[20] Preschoolers living without their biological father were 40 times more likely to be a victim of child abuse as compared to those living with their father.[21]

Even stepfathers do not foster improvement much better than outright father-absence.

There seems to be little substitute for the presence of a caring biological father. "Receipt of child support does not appear to make a significant difference" and "the presence of a step-parent does not significantly improve a child's situation, either."[22] Children living with a mother and stepfather fared poorly on most indicators.[23] Child abuse occurs most frequently within stepfamilies, and, in fact, most sexual abuse occurs in stepfamilies.[24] Sexual abuse of girls by their stepfathers can be at a minimum six or seven times higher,[25] and may be up to 40 times[26] that of sexual abuse by biological fathers in intact families. When it comes to the risk of abuse with unrelated males, Barbara Dafoe Whitehead explains:

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[9] H. Biller, (1974). Paternal Deprivation: Family, School, Sexuality, and Society (Lexington, Mass.: D.C. Heath).

[10] G. Rekers. Journal of Family and Culture, 2, No. 3 (Autumn, 1986), p. 8–31.

[11] As was listed in the Psych profession's DSM–III before it was removed through political pressure from the DSM–IV.

[12] H. Biller, Paternal Deprivation: Family, School, Sexuality, and Society (Lexington, Mass.: D.C. Heath, 1974), p.114.

[13] *Ibid.*

[14] S McLanahan, L Bumpass. (July, 1988). Am J Sociol, 4, 130–152.

[15] A Sedlak (August 30, 1991). "Supplementary Analyses of Data on the National Incidence of Child Abuse and Neglect" (Rockville, Md.: Westat) table 6–2, p. 6–5. see also, Gomes-Schwartz, Horowitz, and Cardarelli, Child Sexual Abuse Victims and their Treatment, 1988 (69% of victims of child sexual abuse came from homes where the biological father was absent).

[16] H. Biller, (1974). Paternal Deprivation: Family, School, Sexuality, and Society (Lexington, Mass.: D.C. Heath), p. 21f. see also, Fatherless Families Spawning Virulent Form of Child Abuse," New York Tribune, June 6, 1984.

[17] W. Marsiglio Family Planning Perspective 19 Nov/Dec, 1987, 240–251.

[18] B. Christensen. The Family in America. Vol 3, no. 4 [April 1989], p. 3.

[19] Warren Farrell presentation at NCMC conference, 1992; Hetherington, 1972.

[20] Wilson and Daly, "The Risk of Maltreatment of Children Living with Stepparents," in Richard J. Gelles and Jane B. Lancaster, eds., Child Abuse and Neglect: Biosocial Dimensions, Foundations of Human Behavior (New York: Aldine de Gruyter, 1987), p. 215–232.

[21] Wilson and Daly in Child Abuse and Neglect: Biosocial Dimensions, 1987.

[22] K. Harris. Reuters. Fathers' Care Benefits Children. N.Y., August 25, 1998.

[23] National Center for Health Statistics, June 1991.

[24] David M. Fergusson, Michael T. Lynskey, and L. John Horwood, (1996). "Childhood Sexual Abuse and Psychiatric Disorders in Young Adulthood: I. Prevalence of Sexual Abuse and Factors Associated with Sexual Abuse," Journal of the American Academy of Child and Adolescent Psychiatry, Vol. 34, pp. 1355–1364.

[25] Diana E. H. Russell, (1984). "The Prevalence and Seriousness of Incestuous Abuse: Stepfathers vs. Biological Fathers," Child Abuse and Neglect, Vol. 8, pp. 15–22.

[26] See Wilson and Daly, "The Risk of Maltreatment of Children Living with Stepparents," p. 228.

"Stepfathers also pose a sexual risk to children, *especially stepdaughters*. They are more likely than biological fathers to commit acts of sexual abuse, and are less likely to protect daughters from other male predators. According to a Canadian study, children in stepfamilies are forty times as likely to suffer physical or sexual abuse as children in intact families." [27]

It is worth noting that stepfathers cannot make up for the lack of a biological father. In fact, Maggie Gallagher notes:

"Children in stepfamilies do no better on average than children in single-parent homes. ... Failing to understand the erotic relations that are at the heart of family life, they [sociologists] failed to predict what, sadly and surprisingly, later research strongly suggested: *Remarriage is not only not necessarily a cure; it is often one of the risks children of divorce face.*" [28]

Father-absence promotes anti-social behavior as well as criminal activity and psychological problems.

Delinquency of children, and in particular boys, is promoted by father-absence.[29] The problems with not having fathers in children's lives can be so severe that they can cause an 86% increase in the likelihood that a child will become a psychotic delinquent.[30] Some of the widely recognized statistics of the ills, and cost to society of father-absence include; 90% of all homeless and runaway children,[31] 70% of juveniles in state-operated institutions,[32] 75% of all adolescent patients in chemical abuse centers,[33] 85% of prison youths,[34] and talk about promoting a danger to women—up to 80% of rapists, motivated by displaced anger.[35] There is also a threefold increase in the likelihood that a child will be involved in gang activity.[36]

Over the existing population, there is a 200% increase in the likelihood that a child will require psychological treatment [37] with *85% of all father-absent children exhibiting behavioral disorders.*[38] This is a crucial point for consideration for every attorney, and every judge that separates a fit father from his children. They are PROMOTING behavioral disorders. Low self-esteem is suffered by both girls [39] and boys.[40] There is a 200% increase in attempted or successful teen suicides[41] with 63% of all [successful] youth suicides from fatherless homes.[42]

Academic performance is severely affected.

Father-absence creates a significant decrease in school performance,[43] a significant increase in disruptive school behavior,[44] a significant decrease in performance on aptitude tests, in cognitive skills, in terms of grades, and is cumulative in nature;[45] and predicts truancy and grade repetition.[46] Fatherless children also account for 71% of all high school dropouts.[47] Some of the affects of this low academic achievement can be seen in the substantial increase in men's odds of ending up in the lowest occupational stratum [48] repeating the "illegitimacy cycle," and ending up "dead-broke" unable to support their children.

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[27] M Daly, M Wilson. Homicide (N.Y.: Aldine de Gruyter, 1988), p. 89.
[28] M. Gallagher, (1996). The abolition of Marriage: How We Destroy Lasting Love. DC., Regnery Pub, Chapter 6.
[29] M. Wynn. Fatherless Families: A Study of Families Deprived of a Father by Death, Divorce, Separation, or Desertion Before and After Marriage (N.Y.: London and Maxwell, 1964), p. 147.
[30] R. Zagar. J Am. Acad. Child and Adolescent Psychiatry, 28 [1989]:437–440.
[31] U.S. Department Health and Human Services Bureau of Census.
[32] U.S. Dept. of Justice, Special Report, Sept. 1988.
[33] Rainbow for All God's Children.
[34] Fulton Co. Georgia jail populations, Texas Dept. Corrections, 1992.
[35] R. Knight, R., R. Prentky. Criminal Justice and Behavior Vol. 14 (Dec 1987), 403–426.
[36] Christensen at footnote 24.
[37] N. Kalter. Am. J Orthopsychiatry, 57 (4), October, 1987.
[38] Center for Disease Control.
[39] E Wakerman. Father Loss: Daughters Discuss the Man that Got Away. (Garden City, N.Y.: Doubleday, p. 109.
[40] H Biller. Father, Child, and Sex Role. (Lexington, Mass.: D.C. Heath, 1971), p. 3.
[41] Prof. Victor R. Fuchs, Stanford Univ., LA Times, Oct. 24, 1988.
[42] U.S. D.H.H.S., Bureau of the Census.
[43] M Thompson, K Alexander, D. Entwwisle. Social Forces, 67, Dec. 1988, 424–451.
[44] R Forehand et al. Journal of Behavior Therapy and experimental Psychiatry, 18, (Dec 1987): 325–328.
[45] H Biller, R Solomon. Child Maltreatment and Paternal Deprivation: A Manifesto for Research, Prevention, and Treatment (Lex, Mass.: D.C. Heath, 1986), p. 136.
[46] G Bauer. Report to the President from the White House Working Group on the Family. Feb., 1988.
[47] National Principals Association Report on the State of High Schools.
[48] T Biblarz, A Raftery. Am Sociol Review, 1 (Feb 1993), p. 97.

In contrast to this academic destruction of children, father-present children "are more likely to get mostly A's, to enjoy school, and to participate in extracurricular activities if their nonresident fathers are involved in their schools than if they are not." The report laments that "[t]he majority of *nonresident fathers*, however, are not involved in their children's schools."[49] There are ample studies to show (explored later) that this is not entirely by their choice.

Surprising CAUSES of Fatherlessness.

Certainly, no reasonable person would suggest that some fathers do not abdicate, or completely avoid and abandon their responsibilities to their child(ren). Surprisingly, that is not one of the larger causes of fatherlessness.[50] The largest causes of fatherlessness will come as a surprise and shock to most. The single largest reason that fathers do not see their children is a result of female-initiated divorce for no "good" reason.[51] There are a number of studies and commentaries that indicate the reasons of female-initiated divorce, and rates that may be greater than 80% while most of the studies indicate 66%–75%.[52]

> **"In reality . . . throughout most of North American history wives have filed for divorce twice as often as husbands. . . ."**
>
> The proportion of divorces initiated by women ranged around 60% for most of the 20th century, and climbed to more than 70% in the late 1960s when no-fault divorce was introduced: so says a just-released study by law professor Margaret Brinig of George Mason University in Arlington, Virginia and Douglas Allen, economist at Vancouver's Simon Fraser University. The researchers undertook one of the largest studies ever on divorce, using 46,000 cases from the four American states that keep statistics on which partner initiates the action. In addition to women filing twice as often, the researchers found, they are more likely to instigate separations and marriage break ups.

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[49] U.S. Department of Education, National Center for Educational Statistics, NCES 98–117 (June 1998).

[50] "Non custodial parents, who are usually men, are likely to be negatively affected in psychological ways. A most pervasive problem is suffering caused by the feeling that they have lost their children." Increasing Our Understanding of Fathers Who Have Infrequent Contact With Their Children. James R. Dudley, Professor, University North Carolina, under a grant from Temple University, Family Relations, Vol. 4, No. 3, July 1991 pg. 279, col. 2, 2, lines 1–5.

[51] *This is a limited list as there is an abundance of sources:*

Friedman and Percival (1976). "Who sues for Divorce?"—5 Journal of Legal Studies 61–82. see pages 71, 75, 78, 81.

Gunter and Johnson (1978). "Divorce Filing as Role Behavior: Effect of No-Fault Law on Divorce Filing Patterns," Journal of Marriage and Family 571–574. see page 572.

Pettit, E.J. & Bloom, B.L. (1984). "Whose decision was it: The effects of initiator status on adjustment to marital disruption." Journal of Marriage and the Family, 587–595.

Stark (1991). "Divorce Law, Feminism, and Psychoanalysis: In Dreams Begin Responsibilities," 38 UCLA Law Review 1483–1531. see page 1514, note 149.

Braver et. al. (1993). "Who Divorced Whom? Methodological and Theoretical Issues," 20 Journal of Divorce and Remarriage 1–19.

Brinig (1993). "The Law and Economics of No-Fault Divorce," 26 Family Law Quarterly 453–470.

Brinig and Buckley (1998). "No-Fault Laws and At-Fault People," 18 International Review of Law & Economics 325–340.

Brinig, M. and Allen D (2000). "These Boots are Made for Walking: Why most divorce filers are women."

[52] *This is a limited list as there is an abundance of sources:*

Weitzman, 1985. "The Divorce Revolution: The Unexpected Social and Economic Consequences for Women and Children in America," New York: The Free Press, page 460.

Chambers, 1979. "Making Fathers Pay—the wife is the moving party in divorce actions seven times out of eight." Chicago: University of Chicago Press. page 29.

Hite, 1987. "Women and Love: A Cultural Revolution in Progress" where it is stated "ninety-one percent of women who have divorced say they made the decision to divorce, not their husbands." New York: Alfred A. Knopf, 1987, page 459.

Colorado Supreme Court—Task Force on Gender Bias in the Courts. Gender and Justice in the Colorado Courts from the Task Force Report, 1990. Revealed that 7 out of 8 divorces are initiated by women (88%).

Fetzner, William of WFEJ clerk of the courts data from a five county study of child custody and support assessments in Marian, Howard, Hancock, Grant, and Rush counties (Indiana) in 1985. Petitions filed by mother: 76.7%—of 2,033 dissolutions granted, 1,599 (76.7%) were filed by wives, 474 (23.3%) were filed by husbands.

Joan Kelly, author of Surviving the Breakup, "Divorce is sought about three to one by women" (cited in Joint Custody Newsletter, January, 1988).

Ahrons, C. (1994). The good divorce. NY: Harper Collins page 92.

The Brinig-Allen study also explodes the myth of the brutish husband, finding, for instance, that cruelty is cited in only 6% of divorce applications in Virginia, one of the few states that still uses fault grounds for divorce. ...

Arizona State University psychologist Sanford Braver provides backup for the Brinig-Allen study. In his new book, Divorced Dads: Shattering the Myths, Mr. Braver surveyed 400 divorcing couples seeking causes for the breakdown of their marriages. He found "violence or abuse strikingly absent." Instead, less dramatic factors prevailed, such as "growing apart" or "spouse not able or willing to meet my needs."

... In 25% of marriage breakdowns ... men have "no clue" there is a problem until the woman tells them they want out. ... [W]omen are more likely to file if the divorce rate is high in their area or if their friends and families are doing it. "Where the divorce rate is low so there's a lot of stigma attached,"... "they won't leave. ..."

"The rights of women in society have been pushed to such an extent that they now feel if they're not happy, it's their partner's fault," says marriage researcher Walter Schneider. ... "That perception is heightened by the social conditioning of men to be chivalrous. Men have to be protectors of women and children, so they are reluctant to become involved in an adversarial process against a woman. They're also less likely to seek divorce because that would destroy their self-image as providers and protectors of the family. It would destroy their world; all they've sacrificed for would go down the drain."

Mr. Schneider points to an Australian study indicating that ... divorced persons have the highest suicide rate. ...

But according to Professors Brinig and Allen, [the mother's] custody of the children may be the very reason her husband provides so little support. There are three basic reasons people file for divorce they say: (1) to stop being exploited within the marriage, (2) to exploit the other spouse by running off with marital investments, or (3) to establish custody over children. They believe that determining which of the three predominates could assist divorce law reformers.

If divorces result mostly from bad (or exploitive) marriages, the Brinig-Allen study suggests, then divorce should be made (or kept) easier; if divorces result mostly from a desire to exploit the partner, then it should be made more difficult or expensive; and if it is custody outcomes which most influence divorce filings, a presumption of joint custody, except where one parent can demonstrate the other is unfit, would "mitigate the incentive for one party filing for the purpose of gaining unilateral control over the children and therefore the other spouse."

After analyzing 21 wide-ranging variables, the Brinig-Allen study concludes that the person who anticipates gaining custody of the children is the one most likely to file for divorce. Therefore, Prof. Brinig speculates, if joint custody were the norm, there would likely be fewer divorces, not more. ...

In fact, however, divorce rates are plunging in states where courts typically award custody of children to both parents. A study headed by Richard Kuhn of the Children's Rights Council based in Washington, D.C., found that states with higher levels of joint custody awards in 1989 and 1990 "have shown significantly greater declines in divorces in the following years through 1995, compared with other states." Overall divorce rates declined nearly four times faster in high joint-custody states compared with states where joint custody is relatively rare. A large factor, the researchers believe, is that joint custody "removes the capacity for one spouse to hurt the other by denying participation in raising the children."[53]

Dr. Richard Warshak, among America's leading experts on father custody, described the history of routine custody arrangements as follows:

"In earlier times it was assumed that men, by nature, are better suited to protect and provide for children. Since 1920, it has been assumed that women, by nature, are better suited to love and care for children.

"These assumptions, which so powerfully affect so many children's lives, are based on nothing more than folklore and sexual stereotypes. ... As guidelines for custody dispositions, folklore, sentiment, and stereotypes are poor substitutes for factual information. In the last two decades, social scientists have examined different custody arrangements and their effects on children's development. If this information is ignored, and we continue to allow myth and senti-

[53] Mclean, Candis. Look Who Doesn't Want A Divorce. New Studies Indicate Women Are First To File, But That Joint Custody Keeps Families Together. January 11, 1999.

ment to rule custody decisions, we short-change our children and we short-change ourselves."[54]

Excerpt as adapted from US House of Representatives written testimony of Richard Weiss and William Wood.[55]

Non-compliance with court ordered visitation is three times the problem of non-compliance with court ordered child support and impacts the children of divorce even more. And the picture gets worse. When mothers are awarded primary or "sole" custody, 37.9% of fathers, end up with no access/visitation rights.[56] And another study found that 42% of fathers fail to see their children at all after divorce.[57] The very narrow difference (~4% variance) between these two studies where the COURTS remove the father, and the overall loss of parental contact indicates that the courts themselves are the biggest culprit in this.[58]

Non-compliance with court ordered visitation by custodial mothers prevents 77% of non-custodial fathers from being able to "visit" their children.[59] 40% of custodial mother SELF–REPORTS indicate they interfered with the father's visitation to "punish" children's fathers,[60] other fathers "often experience intense conflicts with their former spouses, and these conflicts typically interfere with their on-going parent-child relationships."[61] Another study reported that 25–33% of them outright DENIED visits (in defiance of an established order)[62] ~50% see no value in the father's involvement with the child,[63] and many use the children to retaliate against the father for their own ongoing personal problems.[64] Sole custodial mothers exert power and control to abuse court orders, denying fathers visitation,[65] and they would also sabotage father's involvement in their children's lives.[66] And finally fathers absolutely WANT to be with their children, or these child-destroying, spiteful acts would be useless[67] without a "control and power" incentive.

The court system does not enforce orders for "visitation"[68] but jails for non-compliance with a "child" support order. This is a clear indication that the whole DI-

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[54] Dr. Richard Warshak, The Custody Revolution (1992) ppg. 33–34.

[55] Serial No. 106–107—H.R. 1488, The "Hyde-Woolsey" Child Support Bill, March 16, 2000.

[56] Census Bureau P–60, #173, Sept 1991. p. 6, col.II, para. 6, lines 4 & 5.

[57] Frank F. Furstenberg, Jr. and Christine Winquist Nord, "Parenting Apart: Patterns of Childbearing after Marital Disruption," Journal of Marriage and the Family 47, no. 4 (November 1985): 874, cited in Sylvia Ann Hewlett, When the Bough Breaks (1991) at 286–287.

[58] While it is possible that the correlation between these two studies may be anecdotal, the time frame is similar, and can the courts continue to "flirt with disaster" in so many separations of children from their fathers?

[59] Visitational Interference—A National Study, Ms. J Annette Vanini, M.S.W. and Edward Nichols, M.S.W. (September 1992).

[60] Frequency of visitation by Divorced Fathers; Differences in Reports by Fathers and Mothers. Sanford Braver et al, Am. J. of Orthopsychiatry, 1991. p. 449, col. II, lines 3–6, (citing Fulton).

[61] See footnote 50. Family Relations, Vol. 4, No. 3, July 1991 pg. 279, col. 2, 2, lines 15–19.

[62] Frequency of Visitation by Divorced Fathers: Differences in Reports by Fathers and Mothers—Sanford H. Braver, Ph.D., Sharlene A. Wolchik, Ph.D., Irwin M. Sandler, Ph.D., Bruce S. Fogas, Ph.D., Daria Zvetina, M.Ed. American Journal of Orthopsychiatry pg. 451, col. 2, 2, lines 11–14.

[63] Surviving the Breakup, Joan Kelly & Judith Wallerstein, p. 125.

[64] Journal of Marriage & the Family, Vol. 51, p. 1015, Seltzer, Shaeffer & Charing, November 1989.

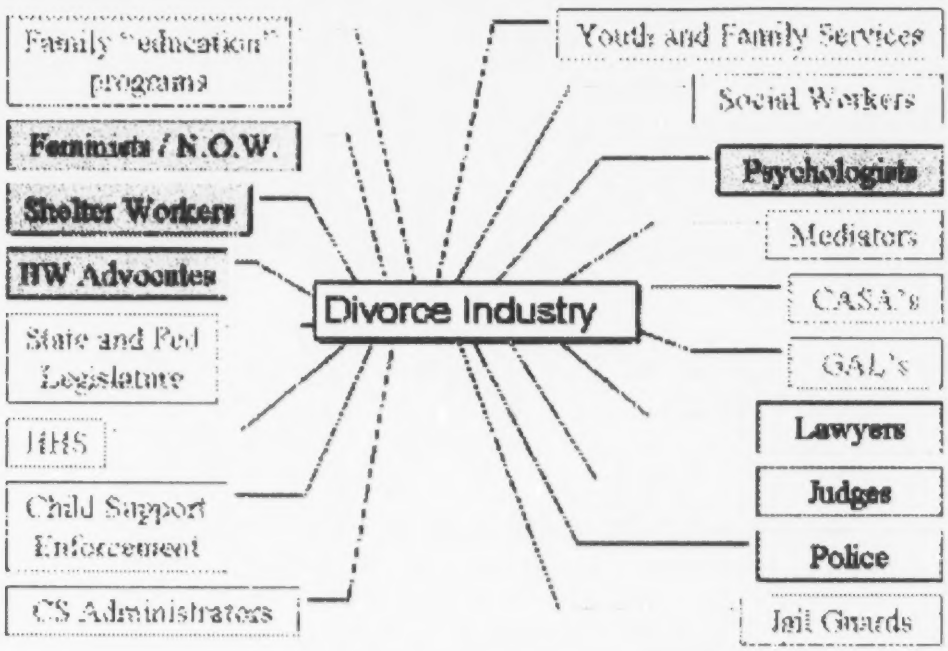
[65] "Unilateral abuse of parental custodial power is more common in court ordered sole custody situations." Child Custody and Parental Cooperation—Frank Williams, M.D., Dir. Psychiatry—Cedar-Sinai—Presented to the American Bar Association, Family Law Section, August 1987 and January 1988 pg. 4, col. 1, 1, lines 17–20.

[66] The Effect of the Post Divorce Relationship on Paternal Involvement: A Longitudinal Analysis—Constance R. Ahrons, Ph.D., and Richard B. Miller, Ph.D., American Journal of Orthopsychiatry, Vol. 63, No. 3, July 1993 pg. 442, Col. 1, 1, lines 23–27.

[67] "Most men were dissatisfied with the frequency of visitation." Visitation and the Noncustodial Father—Mary Ann P. Koch, Carol R. Lowery, Journal of Divorce, Vol. 8, No. 2, Winter 1984, pg. 54, 4 lines 5 also noted was "70% of fathers felt they had too little time with their children." pg 54, 4, lines 5–7.

[68] "The court's failure to enforce or expand visitation agreements were a frequently mentioned complaint" *Increasing Our Understanding of Fathers Who Have Infrequent Contact With Their Children—James R. Dudley, Professor*, University North Carolina, under a grant from Temple University, Family Relations, Vol. 4, No. 3, July 1991 pg. 281, col. 2, 2, lines 14–16.

VORCE INDUSTRY[69] is about money[70] and children are just the "poker chips" in this high stakes "game." Their destruction is just "collateral damage" for the marriage hating special interests pushing their child destroying propaganda.



As the *Family Law Quarterly* noted as early as 1984, the majority view of the psychiatric and pediatric profession is that mothers and fathers are equals as parents.[71] There is an abundance of studies indicating fathers are equally qualified parents.[72] And fathers have been seeking to be involved in family matters for some time now.[73]

The legal system uses an indeterminate criteria, pseudo-named a "standard" called the "best interests of the child standard". If the courts were honest in their use of the "best interests of the child" then so much social science information and information that "[t]he primary negative aspect of divorce reported by children in numerous studies was loss of contact with a parent"[74] could not be ignored so easily. After all, there is a repeated description of "the dissatisfaction of so many youngsters who felt they were not seeing their fathers often enough. If custody and visiting issues are to be within the realm of the 'best interest of the child,' then such

[69] This is a list of some who benefit or participate, financial or otherwise, in the continued breakdown of the family, destruction of marriage, or in the increased male acrimony (termed misandry—male hatred).

[70] "Few men can afford to legally contest every infringement of the visitation agreement." Visitation and the Noncustodial Father—Mary Ann P. Koch, Carol R. Lowery, Journal of Divorce, Vol. 8, No. 2, Winter 1984—pg. 60, 3, lines 11–12.

[71] See J. Atkinson, "Criteria for Deciding Child Custody in the Trial and Appellate Courts," Family Law Quarterly, Vol. XVIII, No 1 (Spring 1984).

[72] Michael E. Lamb & Abraham Sagi eds., 1983) Studies show that fathers can be "just as sensitive and competent in care-giving as mothers"; William Marsiglio, Fatherhood, Contemporary Theory, Research and Social Policy (William Marsiglio ed., 1995) Men interact differently with children but their ability to parent is just as effective; Pamela Daniels & Kathy Weingarten, The Fatherhood Click: The Timing of Parenthood in Men's Lives, in Fatherhood Today: Men's Changing Role in the Family (Phyllis Bronstein & Carolyn Cowen eds., 1988) ("Fatherhood Today") Nurturing is not inherent in either a mother or father, but must be learned and developed by both.

[73] "[A]part from any response to the women's movement, men are also seeking increased emotional closeness with their infants as part of a men's movement toward fuller personhood, and as a reaction against the alienation and burnout of the purely instrumental role of family provider." Michael W. Yogman, James Cooley, and Daniel Kindlon, Fathers, Infants, and Toddlers, in Fatherhood Today.

[74] Hetherington et al., 1982; Kurdek & Berg, 1983; Wallerstein & Kelly, 1980, Warshak & Santrock, 1983.

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widespread discontent must be taken very seriously."[75] When examining the undisputed child's viewpoint, cutting through the hysterical feminist propaganda and hyperbole, and looking at the child's viewpoint, there is only one tenable answer—; the "best interests of the child" dictates something akin to 50–50 shared parenting. "One clear message from the accumulated divorce research is that children profit by continued [frequent] exposure to both parents."[76]

Unfortunately it is the rule, rather than the exception that trial courts are bound by the relics of antiquated stereotypes in their dealings with child custody and visitation questions. Especially when there are modern approaches that better serve the "best interests of the child".

Courts are ruthlessly efficient in establishing specific standards, guidelines, criteria and rules for dealing with Child Support where the state has a vested interest in collecting TANF funds provided by the Federal Government. So much so that there are almost NO reasons that some party cannot be found to PAY. Even in those cases where there is CLEARLY fraud involved (such as in the case of an unfaithful spouse who becomes pregnant and deceives the other).

Recommendations:

Make TANF funds contingent upon a statutory presumption of 50–50 shared parenting with the rebuttal to that presumption being a VOLUNTARY reduction by either party, OR a detailed finding of unfitness by one of the parties.[77] When mothers are awarded primary or "sole" custody, 37.9% of fathers, end up with no access/visitation rights.[78]

Require all, or at least a portion of the TANF funds to be used to promote marriages and father involvement.[79] [Federal and State governments have an obligation of promoting "a more perfect union ... establish[ing] justice ... insur[ing] domestic tranquility ... promot[ing] the general welfare ... secur[ing] the blessings of liberty to ourselves and our posterity."[80] Anything less is a violation of the INTENT AND PURPOSE of the U.S. Constitution and is therefore, unconstitutional.]

Tie TANF Funding to enforcement of visitation orders. Courts ROUTINELY imprison for Child support under the GUISE of "contempt" (which could reasonably be argued as the forbidden "debtor's prison"), yet rarely prosecute for, or enforce visitation except under extreme circumstances.[81]

Tie TANF fund bonuses, and additional block grants to those states that are successful in reducing divorce, and in promoting stable families. **If this is really all about the children, then a father's wallet can no longer be a substitute for his presence.** Change the Health and Human Services mission to strengthening marriages and parental relationships, away from "divorce industry support." What greater "Human Service" than promoting children's Health by supporting marriage and fighting divorce??

Have the Federal Government begin gathering social studies data once again.[82] In spite of the studies listed in this paper, the federal government no longer collects data on many family issues and only the Census has given any indication of how bad the situation REALLY is.

Conclusions:

In tying TANF funds to those things that are anathema to the divorce industry the culture is stabilized, and the repair and restoration of our children can begin. It also removes the pressure, and the performance measures from the state to know-

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[75] J. Wallerstein and J. Kelly, Surviving the Breakup, 142–143 (1980). See also, D. Luepnitz, Child Custody, A Study of Families After Divorce, (1983).

[76] M. Koch, C. Lowry, Journal of Divorce, Vol. 8, No. 2, Winter 1984.

[77] 1988 Census "Child Support and Alimony": 1989 Series P–60, No. 173. pages 6–7. 90.2% of fathers with joint custody pay the child support due.

[78] Census Bureau P–60, #173, Sept 1991. p. 6, col. II, para. 6, lines 4 & 5.

[79] 5 Wm. & Mary J. Women & L. 1 (1998)—HOW JUDGES USE THE PRIMARY CARETAKER STANDARD TO MAKE A CUSTODY DETERMINATION. Page 37. "Compared with those [children] raised in intact two-parent families, adults who experienced a parental divorce had lower psychological well-being, more behavioral problems, less education, lower job status, a lower standard of living, lower marital satisfaction, a heightened risk of divorce, a heightened risk of being a single parent, and poorer physical health." (as cited from Paul R. Amato, Life-span Adjustment of Children to Their Parents' Divorce, in 4 The Future of Children page 146 (1994)).

[80] As excerpted from the preamble of the U.S. Constitution. This preamble sets these principles forth as the GUIDING PRINCIPLES FOR ALL CONSTITUTIONAL INTERPRETATION.

[81] 1988 Census "Child Support and Alimony": 1989 Series P–60, No. 173. pages 6–7. 79.1% of fathers with visitation privileges pay the child support due. Only 44.5% of fathers with no visitation pay the child support due.

[82] Government studies in a number of family issues that were not "politically correct" were stopped in 1993 under the previous administration.

ingly, or unknowingly, advance anti-family, and anti-father policies. While no "Family Law" judge will admit it, it will also remove any incentive or pressure upon them to "maximize" child support awards even if it destroys one parent or the family.[83] Additional benefits of a 50–50 legal and physical custody presumption (akin to the Child Support rebuttable presumption), are: (1) Reduces parental incentives to carry out litigation; (2) Reduces judicial discretion; (3) Creates greater incentive to settle outside of court; (4) Lowers acrimony and "back and forth" battles; (5) Lowers case backlogs and judicial burden and thereby maximizes judicial economy; (6) Lowers some of the incentives to divorce; (7) Reduces some of the struggles that children must endure by being "caught in the middle"; and a whole host of other benefits.

No matter how mighty America may be, and no matter what this country may believe, there is no nation in recorded history that has long survived the destruction of its families and culture. There will certainly be those who are opposed to these recommendations, but careful scrutiny will quickly reveal that they have some vested interest (usually financially) in the continuation of the current family destroying, and child injuring system.

In the shining light of the evidence, government and judicial policies that reduce fathers to little more than "wallets" and do not promote involvement as their PRIMARY focus, serve to undermine the Constitution's purpose of "a more perfect union ... establish[ing] justice ... insur[ing] domestic tranquility ... promot[ing] the general welfare ... and secur[ing] the blessings of liberty to ourselves and our posterity." Fatherlessness studies can no longer be ignored for the effects it has on our "posterity." The government and the judiciary MUST change their "automatic-men-at-fault" policies lest our posterity look back upon this and see today's policies as an attempt to undermine the Constitution and the country. There is enough data to suggest that any policy OR PRACTICE by government, or its agencies, that prevents father involvement, whether by legislation or judicial decree, is promoting child abuse and may violate the intent of the United States Constitution (noted in the preamble) making it unconstitutional!

Statement of David L. Levy, President, Children's Rights Council

Our Children's Rights Council has been involved in proposals to strengthen families since 1985. Our proposals have led to legislative reform (including the first ever block grants to the states to promote child access/visitation to non-custodial parents), and greater awareness, through 13 CRC conferences, evaluation of data, and reports, on why, for children, generally, "The Best Parent is Both Parents." Our chapters in 32 states, Washington, D.C., Europe, Asia and Africa, have also been the catalyst for improvements in children's lives.

In announcing the hearing, Chairman Herger, you said that "We also will learn more about current proposals to enhance the role of fathers in their children's lives."

The Children's Rights Council suggests the following:

(1) **A recognition that just as there are "deadbroke dads," there are also "deadbolted dads," a term coined by noted author Gail Sheehy in a *New York Times* article June 21, 1998.**

"The newer reality is the Deadbolted Dad—locked out of his children's hearts after divorce ...," said Sheehy, with "little attention paid to enforcing or honoring their visitation rights."

Some of these parents walk-away from their children, but as Sheehy stated, many are deadbolted out. Many divorced mothers are deadbolted out, as well.

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[83] All judicial pensions and retirements are tied to the State's bonds, funds, and the general fund. When TANF funds are allowed in the general fund, it supplements and supports the strength of their retirements and is a strong motivator for potential abuses by some (though certainly not all) unscrupulous judges.

CRC believes that much of this disconnect between children and previously involved married parents occurs within 2 to 3 years after the divorce, just as many never-married parents disconnect from each other a few years after the birth of the child.

Remedy: An understanding of what "deadbolted dads" (and moms) means, coupled with an expansion of federal funds for mediation, counseling and other low-cost programs to promote access of children to their non-custodial parents.

$10 million a year was provided in the 1996 Welfare Reform Act for access/visitation programs, and because these activities have operated for the past four years, a total of $40 million has been spent in the states for these access programs. Each state receives about $185,000 a year, the largest federal program to date to encourage contact between children and non-custodial parents.

And don't forget that there are nearly 3 million non-custodial mothers, many of whom (like many dads) are deadbolted out of their children's lives, unable to make phone or personal contact, access (visitation) interfered with or denied, the custodial parent moves far away with the child, a child is given denigrating messages by one parent against the other parent, etc.

(2) **A recognition that the states with the highest amount of shared parenting (including Montana, Kansas and Connecticut) *subsequently* had the lowest divorce rate.** See data from the National Center for Health Statistics and the Census Bureau first reported by CRC in the Children's Rights Council newsletter, "Speak Out for Children," Vol. 12, No. 4, Fall 1997/Winter 1998 issue, available from CRC; later cited in the Indiana Law Journal, Spring 1998, Vol. 73, No. 2, by Margaret Brinig and F. Buckley, law professors at George Mason University, Fairfax, Virginia.

Shared parenting (joint physical custody) is defined by researchers as at least ⅓ of the time spent between a child and a parent on a year round basis. The knowledge that parents will have to continue to be involved with each other for the sake of the child is apparently the inducement that enables some parents to avoid divorce in the years following the liberal awarding of shared parenting in their state.

One of the first acts of President Bush when he became governor of Texas was to sign a presumptive joint custody law on June 16, 1995 (see Vol. 10, No. 3 of "Speak Out for Children.")

One of the remedies to help reduce the number of divorces and to increase financial child support compliance:

Increase contact between children and their non-custodial moms and dads. Federal government data has shown a correlation between financial and emotional child support.

(3) **A recognition that "Safe Haven" Child Access Centers are helping children and families.**

When parents appear before a judge, they sometimes disagree as to whether access (visitation) has taken place or not. So the judge will order the transfer at a "Safe Haven" if one exists, or possibly at a police station if one does not exist. CRC operates 14 "Safe Haven" Child transfer Centers in 6 states and Washington, D.C. They are located in church day care centers. At the sites, parents peacefully transfer their children from one parent to another for the weekend.

Some children are seeing their parents for the first time because of these sites. Even if CRC does not have a grant to manage a particular site, we do not charge the parents. We do not believe a parent should have to pay to see his or her child. A surprising 40 percent of parents who use these sites are women, and about 40 percent are never-married parents. The churches often provide the monitors, but any grant is supervised by CRC. Supervision of the grant by CRC insulates the church from direct funding by the government, but the church helps to deliver the family services. Some sites are developing parent education components.

Remedy: Again, expand the access/visitation block grants to the states to $40 million a year; also provide funds in the "Fatherhood" bills to provide services such as these.

Thank you for the opportunity to present testimony.

Citizens Against Paternity Fraud
Decatur, Georgia 30034–1853
August 10, 2001

Allison Giles, Chief of Staff
Committee on Ways and Means
U.S. House of Representatives
1102 Longworth House Office Bldg.
Washington, DC 20515

Dear Honorable Allison Giles:

I write to you to include our comments in the record for the upcoming "Hearing on Child Support and Fatherhood Proposals" sponsored by Congressman Wally Herger (R–CA), Chairman, Subcommittee on Human Resources of the Committee on Ways and Means.

We specifically would like to address the increasing and confirmed reports of child support fraud also known as the "Paternity Fraud Trap" in the Title IV–D section of the Social Security Act as it regards to:

Establishment of paternity—no requirements for accurate establishment.

Contested Paternity—DNA evidence that confirms non-paternity and deception by mothers is disregarded to extort money, property and assets from non-paternal man under the color of law.

The current system has virtually no safeguards to restrict access to federal money incentives to those states that have default judgments, acknowledgement of paternity at hospitals while the man has no legal representation nor proof of paternity (predatory practice) and falsified paternity affidavits from mothers.

The states that want federal money have met the requirement to obtain large numbers of established paternity (by any means possible) and the appearance of increased collections (even from parents that were already meeting their obligations to custodial parents). But most of these states do not provide a means of relief for "Paternity Fraud Victims", and actively jail and extort money from these men after confirming non-paternity using DNA or blood testing.

We propose that the current system be revised to provide financial incentives to states that honest and accurate paternity establishments while preventing fraudulent mothers from collecting child support from any non-paternal man father unless child is result of written agreement for artificial insemination or legal adoption after notice requirements are met to the biological father. While insuring that constitutional rights of alleged fathers are not violated during the process of establishing and dis-establishing paternity.

Respectfully yours,

Carnell A. Smith
Founder & Director

TWO STANDARDS EXIST

PROBLEM: WHEN WOMEN ARE VICTIMS OF ASSIGNMENT TO WRONG CHILD (20/year?)

When mothers are the victims of maternity fraud aka baby switching, does anyone say the real biological mother should just forget about her child and go on her merry way?

(July 31, 1998, AP Story Charlottesville, VA "Custody Petition Filed in Switched Babies Case" The problem was not discovered until a paternity test revealed no biological connection to the mother nor the alleged father in a child support case—**Exhibit 1**). NO, in fact this problem of baby switching/kidnapping has forced the entire Hospital and Birth Industry to change its practices (Feb 23, 1999 CNN/AP story, Orange, CA "Baby-Switch Hospital plans electronic security", "The mix-up was not an isolated incident, but part of a systemwide problem" **Exhibit 2**).

SOLUTION: ACCOUNTIBILITY AND CHANGES WERE MADE—Promptly

In many cases, the guilty parties have been held accountable for their actions—some have been fired, sued or settled out-of-court and finally the biological mother is reunited with her biological child.

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PROBLEM: WHEN MEN ARE VICTIMS OF ASSIGNMENT TO WRONG CHILD (300,000/yr?)

When men are routinely released from jail/prison that were innocent of rape or murder using DNA testing, why is justice denied for paternity fraud victims using DNA?

The national paternity fraud rate of men tested was 28% in 1999 and 30% in 2000 per the annual Parentage testing report from the American Association of Blood Banks mentioned on CBS News Early Show TV reports on 4/18/2001. This trend is going the wrong way!

SOLUTION: ACCOUNTIBILITY AND CHANGES WERE MADE—less than 10 states

The Georgia Appellate court (Georgia Department of Human Resources v. Pinter, 241 Ga.App. 10, 525 S.E.2d 715 (Ga.App. 11/18/1999) [**Exhibit 3**] says, "it is not the policy of this state to extort money from men who are not the fathers". This is great in theory but it is not applied in most Georgia courtrooms nor in other states.

The national media refers to men like Carnell Smith as "Duped Dads" (The complications for "duped dads" By Ellen Goodman, Globe Columnist, 4/29/2001 **Exhibit 4**), but rarely is anything said about the root cause of paternity fraud (fraudulent mothers).

According to the Georgia Deputy Director of DHR (Robert Swain), "30% of the 45,000" (May 2, 2001, Creative Loafing Atlanta "Who's your daddy? Paternity fraud foes make their pitch for reform" BY GREG LAND—**Exhibit 5**) Georgia mothers named the wrong man with ZERO consequences.

We believe that men would ask for a DNA test, if he knew there were other potential fathers. The mother is the only party that knows (**100% certainty**) of her other intimate relations near the conception date before saying "you're the father" to the alleged father. This is where Fraud begins!

As one of our United States Officials, our National organization looks forward to your written reply to the following:

What is your official position on including protections against child support fraud and paternity fraud in HR–6? If against, please state why?

What is your official position on requiring mothers to make full disclosure of all potential fathers to the alleged father in all divorce and child support cases? This would limit surprises later by DNA tests. There must be consequences for any concealment of material facts, deliberate or accidental.

What is your official position to require mandatory DNA testing immediately after birth? This is a pro-active solution that stops the paternity fraud problem, exposes the truth and restores parity to the paternity establishment process.

The paternity fraud victim finds that it is extremely difficult to prevail against the child support system that has one goal "collect maximum dollars" regardless of actual paternity, make him choose between pay or go to jail and NEVER hold the fraudulent mother responsible for her actions.

Paternity fraud victims, their wives, fiances or girlfriends with the same question "what can I do?" are contacting me with increasing frequency. The victims of this great nation deserve an answer that our duly elected officials are equally concerned about protecting our constitutional rights.

What shall we tell the people?

EXHIBIT 1

Custody Petition Filed in Switched Babies Case
By The Associated Press

CHARLOTTESVILLE, Va. (AP)—The maternal grandparents of a 3-year-old girl who was switched at birth are seeking sole custody in a bid to deny visitation to the child's biological mother, relatives say. The custody petition filed in juvenile court involves Rebecca Grace Chittum, who was taken home from the University of Virginia Medical Center and raised by Kevin Chittum and Whitney Rogers.

Two of Chittum's sisters, Roxane Cullen and Pamela Miskovsky, said Wednesday that the petition was filed this week by Tommy and Linda Rogers, the divorced parents of Ms. Rogers who now help raise Rebecca.

Tests have determined that Rebecca is actually the biological daughter of Paula Johnson, who gave birth about the same time as Ms. Rogers. Ms. Johnson returned from the hospital with Callie Conley and raised the infant as her child. DNA testing has revealed that Callie's biological parents are Rogers and Chittum. The couple died in a July 4 car wreck shortly before their families learned of the switch in June 1995.

The switch was discovered in blood tests ordered for a child-support case brought by Ms. Johnson. Since then, the families involved have met, and the two girls have played together.

Both families have said they want Callie and Rebecca to stay with the families who raised them, and each suggested liberal visitation rights for both sides. But Ms. Cullen said in today's Daily Progress that she believes the Rogerses want sole custody "to block any visitation with Paula Johnson." She said the relationship among the families has deteriorated.

Other family members could not be reached for comment by the paper. Police and state health investigators are investigating how the baby switch happened. The hospital has since added new security measures.

EXHIBIT 2

CNN—Baby-switch hospital plans electronic security—February 23, 1999

Baby-switch hospital plans electronic security

Parents Iliano Bravo and Brian Lambert were given the wrong newborn to take home on February 14

ORANGE, California (CNN)—A new electronic security system for ensuring that newborn babies are never given to the wrong parents will be installed at a Southern California hospital where two newborn boys were accidentally switched earlier this month.

St. Joseph Hospital announced on Monday that mothers and babies will wear encoded wrist bands that cannot be removed until a scanner makes sure they match.

On February 14, new parents Iliana Bravo and Brian Lambert were allowed to leave the Orange County hospital with the wrong child, while their son Aaron was given to another mother.

It was the other mother who first noticed the mistake.

The mix-up was not an isolated incident, but part of a systemwide problem, according to hospital president Larry Ainsworth. He said there have been three other accidental switches in the last year, but the mistakes were straightened out before the babies left the hospital.

The two nurses responsible for February 14 incident have been fired. The hospital is under investigation by California medical authorities for the baby switches.

The Associated Press contributed to this report.

RELATED STORIES:

Nurse error cited in switched baby case
February 16, 1999
Genetic test confirms half of Virginia baby switch
August 18, 1998
Family authorizes genetic test in baby switching case
August 6, 1998
Families of switched babies seek custody solution
August 4, 1998
Switched babies may stay put
August 4, 1998
Babies switched at birth: On purpose or accident?
July 31, 1998

EXHIBIT 3

Georgia Department of Human Resources v. Pinter, 241 Ga.App. 10, 525 S.E.2d 715 (Ga.App. 11/18/1999)

Georgia Court of Appeals

A99A1600; 241 Ga.App. 10, 525 S.E.2d 715, 1999.GA.0043710

November 18, 1999

G. ALAN BLACKBURN, Presiding Judge, specially Concurring.

I write to point out the **absurdity of the present state of the law** that requires a putative father to pay child support after he has scientifically proven that he is not the biological father. As I stated in Smith v. Department of Human Resources, 226 Ga. App. 491, 493 (487 SE2d 94) (1997), **"the law should not punish a purported father for failing to insist on a paternity test when he has no reason to believe that he is not the father."**

Not only has the putative father been cuckolded, the law adds injury to insult by requiring him to pay child support even after he establishes that he is not the biological father.

Once non-paternity is scientifically established, courts cannot ignore such fact by relying on policies developed when no such proof was possible. To create a fiction in this matter does not make the male the biological father of the child; it simply makes him the victim of the law. It also makes an ass of the law.

While the courts may preach their false policy, they lose the respect of any citizen with common sense. The legislature should address this issue.

EXHIBIT 4

The complications for 'duped dads'

By Ellen Goodman, Globe Columnist, 4/29/2001

IF HE WERE in jail for mass murder, he would have been sprung by now. After all, the DNA evidence proved that he was the wrong man.

So how come a man who has been proven scientifically not to be the biological father must go on paying child support? How come the same DNA test that can force one man into paternal obligation can't automatically free another?

This week, a Massachusetts man joined a fraternity that now has members as far flung as Florida and Texas, Georgia and Ohio. They are known in the media lingo as duped dads.

These are men who discovered that the children they believed were their biological offspring were not. And then they discovered that in some courts, DNA is not necessarily destiny. There is really little new about duped dads. Throughout literary history, the man tricked into raising another's child was a stock figure of cuckolded buffoonery. But in the eyes of the law, the husband in any marriage was legally the father.

Now biological certainty intrudes into legal precedent and new scientific tests produce new legal tests. In the fallout of divorce and child support, courts are being asked to decide what's fair for men and what's best for children. And they are also being asked what exactly makes a man a father.

Life, it turns out, is nowhere nearly as clear-cut as biology. In the Massachusetts case, the unwed father had passed up the chance for a DNA test. He signed on the dotted paternity line when Cheryl was born. Over many years and despite many suspicions—rumors and infertility problems in a later marriage—he was called "daddy" and acted as one. His parents were her grandparents, and twice he sought more rights to visitation. In short, as the court noted, "Cheryl grew to know and to rely on him as her father, and he enjoyed her love and companionship." Only after the mother asked for more money did he take the DNA test and head to court.

But the Massachusetts Supreme Judicial Court decided that he was too late to resign from fatherhood as if it were genehood. "No judgment can force him to continue to nurture his relationship with Cheryl," acknowledged the justices in a unanimous decision, "or to protect her from whatever assumptions she may have about her father. But we can protect her financial security and other legal rights."

This "victory" for the child is cast as a defeat for the man. The duped dads lawsuits are, after all, brought into courtrooms under the flag of men's rights. They are testing men's rights to cut their fatherhood ties and responsibilities.

As men cry fraud, several states have either passed or are considering laws that would automatically end a man's child support obligation. A South Dakota court ruled that a deceived man should be reimbursed by the woman.

EXHIBIT 5

Creative Loafing Atlanta / NEWS / WHO'S YOUR DADDY?

NEWS / FEATURE

Who's your daddy?

Paternity fraud foes make their pitch for reform

BY GREG LAND

An ancient Chinese parable recounts the tale of Hakuin, a Zen master who was presented with a child by a young village woman who claimed he was the father. "Is that so?" replied Hakuin who, saying no more, took the infant and cared for it. One year later, the child's mother confessed that the father was, in fact, a young fisherman. When her abashed parents went to Hakuin's house to reclaim the child and apologize, the monk's response was, again, "Is that so?"

Zen tales are wont to conclude with, "and he (or she) was enlightened."

A bit of high-tech enlightenment for an age-old dilemma was on the minds of those at a hearing last week on legislation targeting "paternity fraud." The hearing offered several local men—and women—the opportunity to rail against a system which frequently forces men to pay for the upkeep of children they may not have

fathered, and whom are often barred from even seeking a DNA test to answer that very question.

"The judge refused to allow me to have DNA testing done at all," says Buddy Everhart, a software consultant who currently pays $2,500 in monthly child-support for five children. "Even though my ex-wife and her boyfriend admitted on the stand that two of those children may not be mine, the court said, 'You will pay.'"

The issue is even thornier for men who think they've fathered out-of-wedlock children and agree to pay support, only to find out later that another man is actually the father. Carnell Smith, director of Citizens Against Paternity Fraud, says some women actively decide whom to name as father on the basis of income.

"So then," says Smith, "the question becomes, 'How did [she] pick me?'" Such a deception, says Smith, "is the very definition of fraud."

Earlier this year, Rep. Stan Watson, D–Decatur, sponsored a bill that would allow presumed fathers to seek legal permission to conduct DNA testing to determine actual paternity. Under the bill, if such tests proved that someone else fathered the child, the presumed father would be able to stop paying further support, and might also be let off the hook for lapsed or unpaid support. (Watson's bill does not include provisions forcing restitution of previously paid support, but he does plan to introduce companion legislation mandating penalties for women who knowingly misidentify their children's fathers.)

It would also remove the courtroom stumbling block that Everhart tripped over; under current law, any of several actions—signing a birth certificate as the "father," acknowledging paternity in child-support affidavit, marrying a woman to whom one has been paying child support, and so forth—provide a "strong presumption of legitimacy" that even direct evidence may not overturn.

The number of people affected by paternity fraud is potentially enormous. CAPF's Smith points to figures provided by a company that performs DNA screening for the Georgia Child Support Enforcement Administration showing that, of 9,650 paternity screenings performed last year, 2,919 men—30.2 percent—had been erroneously identified as the father.

"We use DNA to convict or free criminal suspects all the time," he says. "Why not free these men from paying for children that aren't theirs?"

The Georgia Department of Human Resources, which oversees child-support enforcement efforts, seems to agree. DHR Deputy Director Robert Swain says studies confirm that, of the 35,000-to-40,000 unwed Georgia mothers who fill out affidavits of paternity each year do, about 30 percent name the wrong man as father. Swain sees Watson's bill as a potential tool in helping ensure that children are properly supported.

"The bill, although not perfect, is not one we'll complain about," says Swain.

Even so, while the legislation easily passed the House, its progress halted when it got to the Senate.

There, Sen. Charles Tanksley, R–Marietta, chairman of the Special Judiciary Committee, found himself troubled by a couple of points. "My concern was that it virtually did away with any kind of closure on this sort of issue. ... It allowed a challenge at any time, regardless of whatever other agreements might have taken place prior to that. The bill that the House sent over had no limitation period at all."

Tanksley notes that Texas, for instance, has a statute which allows one year for a challenge to a paternity claim. Under the Watson bill, Tanksley says, "one could decide—for any number of reasons, many years later—to go back and retroactively undo whatever had been done in the past, whether in good faith or bad faith."

He also thinks the law should include provisions for men who may have knowingly shouldered a parental responsibility in the past, but later decide to rescind that commitment.

A decision by Massachusetts' Supreme Court last week illustrates just how such limitations may impact future paternity suits. When a man had his 5-year-old daughter DNA tested and found that he was not the father, a lower court said he could stop making payments. But the state's high court reversed, ruling that he'd waited too long to challenge paternity.

Tanksley has appointed a subcommittee to study and recommend some changes to the legislation, but Watson is adamantly opposed to any further limitation. "Under state law, we have to take care of a child until the child is 18; [Tanksley] wants to go in and put a limitation on the time that can pass before you can go in and get a DNA test. That's not fair."

For Vickie McLennan, a lobbyist for several Georgia affiliates of the National Organization for Women, paternity fraud is an important issue but, she says, Watson's bill needs to be carefully studied. "I understand how somebody who might've gotten stuck with support [payments] by some girl who slept with three guys a night then

said, 'Oh, this one's making good money. I'll make him the daddy,' would be angry, and would want action taken. I would," she says. "But this is an elephant gun to deal with a very narrow issue. It does need to have a deliberative process."

Maybe so. But the folks who cheered Smith's description of current law as "involuntary servitude" that tosses men into "debtor's prison" begrudge every day they're asked to wait. In fact, the only light note during last week's hearing was struck when Rep. Henrietta Turnquest, D–Decatur, popped in to express her support. As she left, she wagged a finger at the assemblage.

"You single men out there, you know what you need to do," she said. "You do right, now."

And the mood—for a moment—was enlightened.

UNIVERSITY OF CALIFORNIA, SANTA BARBARA
Santa Barbara, California 93106–9210
June 27, 2001

Congressman Wally Herger
Chairman, Subcommittee on Human Resources
Committee on Ways and Means
United States Congress
Rayburn House Office Building, Room B317
Washington, D.C. 20515

Re: Hearing on Child Support and Fatherhood Proposals
June 28, 2001

Dear Congressman Herger:

I appreciate the opportunity to submit this letter for the Hearing record.

I strongly support the President in his efforts to enhance the role of non-custodial fathers in the lives of their children. There is a growing body of scientific evidence that the lives of children are much improved when they are raised by their fathers as well as their mothers. My own research demonstrates that a father's presence in the home significantly reduces the prospects that his son will be charged with a crime between the ages of 14 and 22. There are various proposals to enhance contact between fathers and children, and I hope that your committee will lead the way.

Among the major benefits that follow from continued contact between a father and his children is the payment of child support. There is also evidence that fathers who frequently see their children are more likely to make these payments, while those who have little contact with them often neglect these responsibilities. Data indicate that among fathers who do not see their children at all, only 16.2 percent pay any child support, while among fathers who see their children more frequently than several times a year, 64.2 percent make these payments. [Judith A. Seltzer, "Relationships Between Fathers and Children Who Live Apart," *Journal of Marriage and the Family*, Vol. 53, February 1991, p. 86.]

The problems of child support collection and continued contact between father and children are not separate issues but rather two sides of the same one. For this reason, I commend your efforts to deal with these matters in a coordinated fashion.

I am submitting this statement on my own behalf, and not for any client or organization. Furthermore, my views do not necessarily reflect those of the University of California.

Sincerely,

William S. Comanor
Professor of Economics

DADS of Michigan, P.A.C.
Southfield, Michigan 48034
June 27, 2001

Allison Giles
Chief of Staff
U.S. House of Representatives
Committee on Ways and Means
1102 Longworth House Office Building
Washington, DC 20515

As often is the case, unintended adverse results occur from well-intended legislation. Such were State reactions to the 1996 Welfare Reforms including the infamous "Bradley Amendment." With regard to the specific reform objectives: (2) increase the percentage of non-custodial parents identified, and (3) implement more techniques to obtain support collections from non-custodial parents, it would appear State reactions have been collectively successful.

However, while several states[1] have heeded the available data and research by implementing very effective, just legislative statutes and agency programs, unfortunately many other states including Michigan deliberately continue with unjust, failed, and flawed legislative statutes, agency policies, and practices.

Specifically, the 1996 welfare reforms have *encouraged* Michigan (and other states) to introduce statutes, policies, and procedures[2] to increase *voluntary* paternity establishment of unmarried births at state agencies and hospitals. As a result, few unmarried fathers are adequately apprised of their rights to paternity testing and/or traditionally feel uncomfortable with challenging the paternity allegations of the mother. One third of all births in Michigan are to unmarried mothers.[3] However, recent data demonstrates that nearly a third of all paternity tests EXCLUDE the alleged father.[4] Additional research indicates that at least 10% of marital births EXCLUDE the husband.[4] Yet, Michigan's legislative statutes, agency policies, and practices continue to omit *mandatory* paternity establishment of child support claims resulting in thousands of innocent victims of **Extrinsic Paternity Fraud**. Further, by facilitating the completion of documents fraudulently identifying the alleged paternity of man without appropriate verification, the State inadvertently acts as a coconspirator to a felony in nearly one fourth of all child support cases and, along with the mother, is also guilty of a misdemeanor.[5]

The 1996 Welfare Reforms (via incentives) have also *encouraged* Michigan (and other states) to infringe upon and violate constitutionally protected rights in an effort to increase child support collections from non-custodial parents. The Michigan Legislature continues to attempt legislation[6] that results in violations of the U.S. Constitution.[7] Michigan State Courts routinely use state statutes[8] to automatically terminate a parent's (typically the father) constitutionally protected right to the care, custody, and nurturing of his/her children simply because of a no-fault divorce filing; primarily in order to establish maximum child support for the custodial parent. Michigan state child support enforcement and state court administration officials decline new innovative approaches in use by other states to reduce child support arrearages in favor of only increased punitive measures.[9] Michigan's total child support arrearage exceeds $6.3 Billion with the national state average at $1.4 Billion.[10]

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[1] Georgia, North Carolina, Virginia, Texas, South Carolina, Connecticut, Ohio, Maryland, Colorado, Iowa, and Louisiana.

[2] "State Launches New Program Improve Paternity Establishment": Detroit Free Press, 2/14/01.

[3] Michigan Department of Community Health, 1999.

[4] Annual Report Summary 1999: American Association of Blood Banks, www.aabb.org; "Who is daddy and Who is Not," 2/25/00: Men's Health Network, "http://www.menshealthnetwork.org"> www.menshealthnetwork.org.

[5] Michigan Compiled Laws: MCL 333.2824, MCL 722.714, MCL 722.1004, MCL 722.722, and MCL 750.218.

[6] Michigan Senate Bill 757 enacted into law 10/2000 with bond amendment from 100% to 25% of arrearage owing.

[7] U.S. Constitution, Amendment VIII.

[8] Michigan Compiled Laws: MCL 552.15.

[9] "Failed visitation policy harms kids," The Detroit News 6/24/01; USHHS, OCSE, 9/14/00, PIQ–00–03.

[10] U.S. Department of Health & Human Resources, Office of Child Support Enforcement.

Finally, the 1996 Welfare Reforms (via incentives) have served to *discourage* Michigan State Court Administration officials to use the federally mandated and heavily subsidized quadrennial Child Support Formula Guideline review[11] to thoroughly evaluate its use of the "Income Shares" base model in use now for fifteen years. Newer base models (e.g. Cost Shares[12]) are now available which eliminate the flaws, inequities, and over-assessments of the current model[13] in use while providing greater compliance with the federal mandates. Additionally, Michigan State officials appear to not yet fully embrace the concept of responsible fatherhood education and job programs as significant contributors to increasing child support compliance and father involvement in their child's life while reducing child support arrearages[14], along with many other societal maladies.[15] Sadly, efforts continue to fix blame to either "deadbeat" fathers[16] or Michigan's Friend of the Court agency. We feel there are many in Michigan (and Washington) who must also share the blame for our child support failures.[17]

Recommendations:

It is hereby recommended that federal legislation such as H.R. 1488 or other appropriate welfare reforms be adopted and include provisions for:

- ensuring equal protection of Constitutional rights for both parents;
- mandatory paternity establishment for child support claims;
- enforcing parenting time (visitation) compliance equally as child support payment compliance;
- encouraging innovative, non-punitive techniques for reducing child support arrearages;[18]
- requiring states to *completely* and *thoroughly* review Child Support Guideline base models every four years;
- promoting faith and community-based responsible fatherhood and job programs.

DADS OF MICHIGAN[19] and ***DADS OF MICHIGAN PAC*** are responsible fatherhood advocacy organizations dedicated to keeping *both* biological parents actively engaged in the lives of their children despite divorce and custody, in most cases. ***DADS OF MICHIGAN*** is the developer of the ***Dads Toolbox Series***© of responsible fatherhood education for teenage, divorced, and unmarried fathers.

Respectfully submitted,

James Semerad
PAC Chairman

[Attachments are being retained in the Committee files.]

Los Angeles, California 90036
July 6, 2001

Allison Giles, Chief of Staff
Committee on Ways and Means
House of Representatives
1102 Longworth House Office Building
Washington, DC 20515

CHILD CUSTODY

If the committee is truly interested in promoting responsible fatherhood, it should not allow state courts to systematically strip fathers and their children of access to

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[11] Michigan State Court Administrative Office: Invitation to Bid—Review of Child Support Guideline 3/2001.

[12] "Cost Shares Child Support Guideline: A working, superior alternative to current guidelines." R. Mark Rogers Economic Consulting, CRC conference May 5, 2001.

[13] PICSLT Initial Review of Michigan Child Support Law, 2/15/00: "http:// ">www.geocities.com/capitolhill/5910/index.html; Child Support Conflict of Interest & Over-assessment: "http://www.acfc.org/legal citations.htm#support">www.acfc.org/legal citations.htm#support.

[14] U.S. Census Bureau, Child Support for Custodial Mothers and Fathers: 1997 (P60–212).

[15] Divorce and Fatherhood Statistics Summary, "http://www.deltabravo.net/custody/stats.htm">www.deltabravo.net/custody/stats.htm.

[16] "Sheriff targets Deadbeat Dads"... for mother's day crackdown, The Detroit News 5/11/01; "Strained Agencies fail Michigan Children", The Detroit News 5/20/01.

[17] See Special Report dated 6/08/01 attached.

[18] USHHS, OCSE, 9/14/00, PIQ–00–03.

[19] "http://www.dadsofmichigan.org/">www.dadsofmichigan.org.

one another. "Judicial discretion" in determining "the best interests of the child" is consistently resulting in the exclusion of fathers from children's lives.

DENY STATES FEDERAL TANF FUNDS UNLESS THEY PASS LEGISLATION REQUIRING A PRESUMPTION OF EQUAL JOINT PHYSICAL CUSTODY OF CHILDREN FOR BOTH DIVORCED AND NEVER-MARRIED PARENTS.

CHILD SUPPORT

The Family Support Act of 1988 required states to implement child support guidelines. Unfortunately, these guidelines have resulted in arbitrary and grossly excessive child support awards, far in excess of the actual costs of raising children. Most child support is actually long-term alimony for the custodial parent. States are using child support guidelines to micro-manage families by redistributing income on a massive scale.

DENY STATES FEDERAL TANF FUNDS UNLESS THEY BASE CHILD SUPPORT AWARDS ON THE ACTUAL MARGINAL COSTS OF RAISING CHILDREN, BASED ON PEER-REVIEWED, SCIENTIFIC STUDIES.

Respectfully submitted,

Richard M. Green, M.D.

San Ramon, California 94583
July 8, 2001

Allison Giles
Chief of Staff
Committee on Ways and Means
U.S. House of Representatives
1102 Longworth House Office Building
Washington, D.C. 20515

Attn: Hearing Clerk

Dear Ms. Giles:

RE: family law, fatherhood and child support

My comments are the result of experience within the family law system, knowledge of other men's experiences, and a recent reading of the California Judicial Council's Child Support Guideline Review for 2000.

I'd like to briefly discuss several issues. They include:

1. child support guideline levels
2. custodial parent move away cases
3. provisions for enforcement of visitation
4. false allegations of physical and sexual abuse
5. the "best interests of the child" principle
6. the punitive way men are dealt with by states—courtesy of the federal government

Child support guidelines are too high—the California averages are 23% of aftertax income for 1 child (36/45% for 2 and 3 respectively)! My daughter's mother moved to Vancouver, B.C., against my wishes. However, because British Columbia's support levels are so much more reasonable, I pay slightly over half what I would pay if my child support was set by the California guideline.

Related to this are the increasing use of default judgments and the cavalier, assembly line attitude that prevails among some enforcement agencies. Errors get made, and they aren't so easy to correct. I hear stories frequently of men who have incorrectly been identified as fathers and ordered to pay retroactive child support. I've even heard of a case where a man was in jail when a default judgment was entered incorrectly (he wasn't the father). Because his pay is now being garnished he doesn't have enough money left to hire an attorney to remedy the situation!

It is outrageous to allow custodial parents (CP) to move away from the area where they lived at the time of divorce/separation. This severs the bonds between fathers and children and courts need to recognize that the bonds are fragile after a physical separation takes place. Any more separation than is necessary is damaging to the relationship.

Courts need to stop piously proclaiming "it takes two parents to raise a child" when it's time to award child support and look the other way later when disputes around visitation crop up. The reality is that once one parent is awarded custody

of the child, and the non-custodial parent (NCP) moves out, the NCP's relationship changes drastically for the worse. I have one child who lives apart from me and one who lives with me so I speak from experience. It's disingenuous to maintain otherwise and order men to pay a majority of a child's support and upkeep, but fail to vigorously enforce their visitation rights. Has anyone ever heard of a woman being prosecuted for obstructing visitation or alienating the children from their father? I certainly can't remember such a case.

The subject of false allegations of physical or sexual abuse is similar. This area is known to be the atomic bomb of divorce and custody battles. The person who alleges it knows that even if the charge is shown to be false, so much damage usually occurs that a man's relationship with his children is permanently harmed. And, like visitation disputes, I can't remember ever hearing about a woman being prosecuted for this either. Evidently another case of possession, or, similarly, custody, being nine tenths of the law.

The concept of best interests of the child borders on best interests of the mother much of the time. The status quo power possessed by the CP is mighty strong and, as one lawyer here in the Bay Area puts it on his radio show, "a woman has to be a crack addict and a hooker to lose custody in CA." If this perception is close to accurate, what does this say about mens' prospects in court and hopes for justice when disputes crop up? If this message is imparted to men, and appears to be true, who could blame a guy for being despondent about prospects about having a relationship with his kids? Why is it that the child's interests are given paramount importance when there are three parties involved? Why shouldn't the state be concerned about all three? The real problem is that in elevating the child, the custodial parent's (usually the mother's) status usually gets elevated inadvertently too. These statutes should be rewritten to include assurances of equity to all parties involved when courts are choosing between options as long as the best interests of the child are not significantly affected.

Recently it seems that two policies from 10 to 15 years ago are being revisited: mandatory minimum criminal sentencing guidelines and zero tolerance policies in schools for drugs and violence. It seems that dealing with complicated issues in a mechanical way results in unfair and perverse outcomes. I would like to suggest that the federalization of family law issues and the vilification of fathers belong in the same category. It became (or maybe still is) fashionable to denounce and advocate harsher penalties for "deadbeat dads." However, the truth is a bit more complicated. Research has shown that fathers with joint custody pay child support at close to 100%. It has also shown that large numbers of custodial mothers admit to actively impeding the father's access to their children. Many of the cases where children no longer see their father are the result of a campaign of alienation where the father just gives up rather than continue to fight. It shouldn't be surprising that in some cases like this, men stop paying child support too. Other "deadbeat" dads are either unemployed, incarcerated, or broke. Research is beginning to reveal these facts—the California Judicial Council's report mentions them. It's time to stop vilifying fathers and repeal the punitive federal laws that forced states to practically criminalize fatherhood via inflexible and unrealistic child support guidelines. At the same time, it would be beneficial for society to debate the best way to encourage men to stay involved with their children. In my opinion, a necessary first step should be to make the system truly fair to all parties involved.

Sincerely,

Jim Hemenway

Statement of Jacqueline K. Payne, Policy Attorney, and Martha Davis, Legal Director, NOW Legal Defense and Education Fund, New York, New York

NOW Legal Defense and Education Fund ("NOW Legal Defense") appreciates the opportunity to submit this testimony on child support reforms and fatherhood initiatives, especially as they pertain to low-income families. We stand firm in our belief that there is an important federal role for providing support for parents and families, especially those living in poverty.

NOW Legal Defense is a leading national not-for-profit civil rights organization with a 30-year history of advocating for women's rights and promoting gender equality. Among NOW Legal Defense's major goals is securing economic justice for women. Throughout our history, we have used the power of the law to advocate for the rights of poor women, focusing on increased access to childcare, reduction of do-

mestic violence and sexual assault, and employment and reproductive rights. In pursuit of gender equality, we have steadfastly advocated for social and legal change to support fathers increased participation in the lives of their families.

Five bills pending in Congress include some combination of child support reforms and fatherhood initiatives: the Child Support Distribution Act of 2001 (H.R. 1471), The Child Support Act of 2001 (S. 918) the Responsible Fatherhood Act (S. 653, H.R. 1300), and the Strengthening Working Families Act (S. 685). NOW Legal Defense heartily supports the child support reforms contained in H.R. 1471, S. 918, and S. 685, which will help low income families provide for their children's basic needs, help families move out of poverty, and remove draconian policies that penalize low income men and their families.

NOW Legal Defense shares Congress's interest in supporting fathers. We applaud Congress's interest in addressing the barriers to low income men's economic self sufficiency, and back programs designed to provide supports to low income individuals so that they may escape poverty. Moreover, we encourage and support Congress's articulated interest in encouraging men to fully participate as parents, and hope that this heralds a shift towards paid parental leave, as well as other meaningful legal and policy changes that would make it possible for men and women across all income levels to fully share parenting without suffering social or economic penalties.

Despite these shared goals, NOW Legal Defense cannot support the pending fatherhood initiatives as they are currently drafted. While these proposals are laudable in their goals, they ignore or misperceive the underlying causes of poverty and fail to adequately deal with issues such as domestic violence and gender inequality. Moreover, the bills' emphasis on marriage suggests a disturbing willingness to transgress the privacy rights of low income individuals.

Child Support Reforms are Needed

Genuine reform of the child support and welfare laws is overdue. For many years these laws have been overly punitive to poor, non-custodial fathers without providing assistance to the custodial mothers and their families. Child support should be first and foremost about securing support for children from their non-custodial parent. However, the current system does far too little to help these children. Instead, all of the support paid by non-custodial parents whose children receive public assistance, and much of the support paid by non-custodial parents whose families ever needed assistance, goes to the state. The "child support" system under Title IV–D is a state recovery system that penalizes poor fathers and fails to help their children. Men earning marginal wages, whether absent or present in the family, will not be able to provide enough support for their children to lift them out of poverty.

Under the current child support system, children whose families are on welfare receive no additional money even when child support payments are made. This reflects a change in Federal law, which had previously required states to pay families the first $50.00 of child support and disregard it in determining the welfare payment. Moreover, children whose families were ever on welfare often find they cannot receive the support owed them because the state insists on being reimbursed for past welfare assistance before the family can receive their support payments. The present child support system, therefore, does very little to help poor children or increase the economic self-sufficiency of their families.

It is critical that child support be reformed to: (1) ensure appropriate levels of obligation for non-custodial fathers; (2) ensure that families on welfare receive the money paid by the fathers (both to encourage payment by fathers and to ensure some improvement in economic conditions for the children by virtue of the child support payment); (3) disregard any child support payments passed through to the family receiving benefits; (4) and ensure that families that have transitioned off welfare receive all child support they are owed before the state reimburses itself for past assistance.

The Child Support Distribution Act (H.R. 1471) includes important child support reforms. The bill requires states to pay former recipients any current support owed, as well as any arrearages not assigned to the state. The bill also offers financial incentive to states to pay state-owed arrearages to the custodial parent; pass through child support to families currently receiving benefits; and disregard the amount of child support received by a family when determining that family's TANF grant amount. Unfortunately, these provisions would not become effective until 2006. NOW Legal Defense urges Congress to make those reforms mandatory, rather than at the state's option, and to remove the delay in implementation to hasten the benefit to low income children.

The bill also includes a modification to the rule requiring assignment of support rights as a condition of receiving TANF. The amendment clarifies that applicants are only required to assign that support which accrues during the period that the

family receives assistance under the program. While NOW Legal Defense heartily supports that change, we believe Congress should remove the requirement altogether. Most TANF recipients will want to pursue child support enforcement once states modify their laws so that child support will directly benefit the children. Forcing a low income woman to establish paternity and cooperate with child support enforcement in exchange for subsistence benefits infringes upon her privacy rights and her judgment about what is best for her family. In many cases, it will also threaten family safety.

Study after study shows that up to 60% of women on welfare have been victims of intimate violence during their adult lives, and up to 30% have experienced domestic violence within the last year.[1] Despite these statistics, studies indicate that only about 7% of women on welfare seek good cause waivers from child support requirements[2] and many of those waivers are not successful.[3] This is due to a combination of factors, including lack of information and training for caseworkers, lack of information for recipients, and distrust of untrained workers. Many survivors on public assistance appear to want to enforce child support[4] but doing so can open up a can of worms. Studies show that abuse often escalates when survivors seek child support enforcement. Moreover, child support proceedings open up the issue of visitation and custody and provide the abuser access to mother and child. According to a 1996 report by the American Psychological Association, custody and visitation disputes are more frequent when there is a history of domestic violence.[5] Perpetrators of domestic violence are more than twice as likely as other fathers to fight for custody of their children.[6] When batterers seek custody, they win more often than not.[7] The risks attendant on pursuing child support in an abusive relationship coupled with the lack of effectiveness of good cause waivers in this area create powerful arguments that child support cooperation should not be required of all recipients.

Fatherhood Legislation

The marriage-based fatherhood legislation pending in Congress (S. 653, S. 685, H.R. 1300, H.R. 1471) was conceived of as the next step in welfare reform—the promotion of married fatherhood as the solution to out of wedlock births and single-parent families.

This approach is problematic for several reasons: (1) it fails to identify and attack the true cause of poverty in America; (2) it unrealistically assumes marriage is the solution for everyone and, by requiring programs to promote marriage, economically coerces low income individuals to trade their constitutional right to privacy in exchange for services; and (3) fails to appropriately deal with the high rate of domestic violence among poor women and the danger forced reunification has for these women and their children.

1. Making Fathers More Self-Sufficient, While Laudable, is Not the Answer to Poverty in America

Poor education, lack of opportunity, racism, high rates of incarceration and other poverty inducing factors affect men as well as women, crippling men's ability to rise much above the poverty level and contributing to the economic devastation of entire communities. Congress should support programs that address these obstacles and offer supportive services to empower all men and women to realize economic security. In doing so, however, Congress must not perceive father's economic security as the answer to women and children's poverty.

The fatherhood legislation proposes using TANF money to provide grants to programs to help low income fathers and their families avoid or leave cash welfare and improve their economic status by providing such activities as work first services, job search, job training, subsidized employment, career-advancing education, job retention, job enhancement, and other methods. While in general two incomes are better than one, and thus more likely to move people off welfare, Congress should use TANF dollars to address the reasons why women and their children still make up

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[1] *See* Tolman, R.M. & Raphael, J., Univ. of Mich. & Center for Impact Research, *A Review of Research on Welfare and Domestic Violence*, Journal of Social Issues, 56(4) 655–682 (2000), "Prevalence" sec.

[2] *Id* at "Child Support" sec.; Eleanor Lyon, National Resource Center on Domestic Violence, Welfare, Poverty, and Abused Women: New Research and its Implications 10 (Oct. 2000).

[3] Lyon, *supra* note 2.

[4] Tolman & Raphael, *supra* note 1, at "Child Support" sec.

[5] *See* American Psychological Association, Violence and the Family: Report of the American Psychological Association Presidential Taskforce on Violence and the Family, 40 (1996).

[6] *See id.*

[7] *See* D.G. Saunders, *Child Custody Decisions in Families Experiencing Women Abuse*, 39 Soc. Work 391, 51–59 (1994).

the vast majority of people living in poverty and on welfare—despite sharing common experiences with their male counterparts.[8] Factors such as lack of useful education and training, discrimination in the labor market, primary care giving responsibility without attendant employment protections, the lack of quality, affordable, accessible childcare, and domestic violence keep women from being economically self sufficient and reduce chances for all families' to escape poverty. Moreover—due to death, domestic violence, divorce, and job instability—focusing on fatherhood and marriage will not assure women and children's economic security.

In America today, the vast majority of women with young children work outside the home.[9] Despite their efforts, the families of waged-working women are punished by gender discrimination in the workforce. The gender wage gap persists: Unequal pay means that white women make 71.5 cents for every white man's dollar. This impact is even greater on African American women who make 65 cents on that dollar, and even more so for Latinas, who make only 52 cents.[10] As a result, women of color are disproportionately poor.[11] In addition, jobs that are held predominately by women consistently pay less than jobs that are held predominately by men.[12]

Furthermore, even where both parents are present, women are still overwhelmingly expected to act as the primary care giver—for children, other family members, and the home. The combination of women's role as primary caregiver (work for which they are not paid) and their relative economic disadvantage in paid work as compared to men has had serious negative consequences for women and children in our society: 41% of all women and children in America today live below the poverty line;[13] one out of every five children is raised in poverty.[14]

As Congress looks to solutions for families, supporting fatherhood programs without simultaneously addressing these challenges to women's economic security will likely exacerbate—not solve—the problem for poor families. Without proper protections such programs could:

- Result in economically empowering men at the expense of poor women. A similar program, called the Work Incentive Program (WIN), was enacted under the Social Security Act Amendments of 1967. Excitement over father involvement resulted in a work program that trained and employed a disproportionate number of men. For example, in 1971, although women headed 90 percent of AFDC households, 38 percent of participants in the work program were men.[15]
- Exacerbate the current problem with women on welfare being steered into traditional women's work—work that pays substantially less—instead of training them for living wage jobs with benefits—jobs that are traditionally held by men.[16]
- Contribute to the increasing wage gap between men and women among the lowest waged workers. Under welfare reform, women have been leaving the welfare rolls and entering the lowest paid jobs thereby increasing the wage gap. Introducing men into job training and referral programs without ensuring women are trained and placed into nontraditional jobs will further increase the disparity between men and women's wages.[17]

2. Marriage is Not the Solution for Everyone, Nor is it the Solution to Poverty

Our country consists of diverse family structures: those in which parents are married, single (including those who were never married, widowed, teen, or divorced),

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[8] United States Census Bureau, Current Population Reports, Series No. p60–210, Poverty in the United States: 1999 (2000), *available at* "http://www.census.gov/pord/2000pubs/p60–210.pdf.

[9] *See Statement on Equal Pay, Submitted to the Senate Comm. on Health, Education, Labor, and Pensions*, June 22, 2000 (statement of Irasema Garza, Director of Women's Bureau, U.S. Dep't of Labor) [hereinafter *Statement on Equal Pay*]. According to the TANF Report to Congress 2000, 59% of low-income single mothers with kids under the age of 18 are employed.

[10] National Committee on Pay Equity, The Wage Gap: 1999, *available at* http://www.feminist.com/fairpay/f wagegap.htm.

[11] *Statement on Equal Pay*, *supra* note 9, at vi.

[12] *See id.*

[13] *See* United States Census Bureau, Current Population Survey (206–207), Poverty in the United States (1998).

[14] *See* Arloc Sherman, Children's Defense Fund, Poverty Matters: The Cost of Child Poverty in America, 1 (1997).

[15] Gwendolyn Mink, Welfare's End 38–39 (Cornell Univ. Press 1998).

[16] *See* Institute for Women's Policy Research, Working First But Working Poor: The Need for Education and Training Following Welfare Reform, ch. 7 (to be released Sept. 3, 2001) (report to the NOW Legal Defense and Education Fund).

[17] *See* Wendell Primus, Center on Budget and Policy Priorities, What Do We Know About Welfare Reform?, Coalition on Human Needs Briefing, Apr. 26, 2000.

remarried, gay and lesbian, foster, and adoptive.[18] These families have built loving, healthy relationships with their children and cooperative relationships with other caregivers, and deserve to be valued and respected as they are. Nevertheless, all of the fatherhood bills pending in Congress require the fatherhood programs to promote marriage. Programs may do so through such activities as: counseling, mentoring, disseminating information about the advantages of marriage, marriage preparation programs, premarital counseling, marital inventories, divorce education and reduction programs, including mediation and counseling.

Marriage may be the best choice for some individuals, but it is not the best choice for everyone. In any case, marriage is a constitutionally protected *choice*. The Supreme Court has long recognized an individual's right to privacy regarding decisions to marry and reproduce as "one of the basic civil rights of man, fundamental to our very existence and survival."[19] Significantly, this constitutional right equally protects the choice *not* to marry.[20] This right of privacy protects an individual from substantial governmental intrusion into his private decision. The marriage promotion mandate in all of the bills essentially coerces economically vulnerable individuals to trade in their fundamental right to privacy regarding marital decisions in exchange for receiving job and life skills training.

Fatherhood programs should not be forced to invade parents' most fundamentally private decisions regarding marriage as a condition for receiving these federal funds. Children benefit greatly from the love and support of adults who are committed to their well being, regardless of whether those adults are in an intimate relationship with each other. They flourish in a safe, loving, healthy environment where their caregivers, including custodial parent(s), non-custodial parent(s), step-parent(s), and other caregivers, cooperate in a respectful manner to raise them with consistent messages about rules and expectations.

The goal of "fatherhood initiatives" should be to foster this atmosphere of respect and cooperation between parents and/or caregivers, to give them the tools they need to provide for their children emotionally and financially, and to create a safe, loving, healthy environment for their children. Supportive services should be made available to all families, regardless of their marital status or family composition, including services to help improve employment opportunities, budget finances, promote nonviolent behavior, improve relationships, and provide financial support to children. Where parents choose to engage in an intimate relationship, resources should be available to help ensure that it is a safe, loving, and healthy one. As explained below, there are some situations where the non-custodial parent may endanger the welfare of either the custodial parent or child and in those situations cooperative parenting is not in the best interests of the child or of the custodial parent.

3. Domestic Violence

The promotion of marriage requirement in these bills endanger lives. Violence against women both makes women poor and keeps them poor. The majority of battered women attempt to flee from their abusers.[21] Over 50% of homeless women and children cite domestic violence as the reason they are homeless.[22] Many depend on welfare to provide an escape from the abuse. As noted above, study after study demonstrates that a significant proportion of the welfare caseload (consistently between 15% and 25%) consists of *current* victims of serious domestic violence[23] and half to two thirds have suffered domestic violence or abuse at some time in their adult lives.[24]

For these women and their children, the cost of freedom and safety has been poverty. Marriage is not the solution to their economic insecurity. For them marriage could mean death; it will almost undoubtedly mean economic dependence on the abuser or economic instability due to the abuse. Between one-half and one-third of

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[18] *See* CNN, *Survey: Only a Quarter of U.S. Households of "Traditional" Families*, Nov. 24, 1999.

[19] Skinner v. Oklahoma *ex rel.* Williamson, 316 U.S. 535, 541 (1942).

[20] Loving v. Virginia, 388 U.S. 1, 12 (1967).

[21] *See* Patricia Horn, *Beating Back the Revolution*, Dollars and Sense, Dec. 1992, at 21.

[22] *See* Joan Zorza, *Woman Battering: A Major Cause of Homelessness*, 28 Clearinghouse Rev. 383, 384–85 (1994).

[23] *See* Jody Raphael & Richard M. Tolman, Taylor Inst. and the Univ. of Mich. Research Dev. Ctr. on Poverty, Risk and Mental Health, Trapped by Poverty, Trapped by Abuse: New Evidence Documenting the Relationship Between Domestic Violence and Welfare, 12 (1997).

[24] *See* Mary Ann Allard et al., McCormack Inst., In Harms Way? Domestic Violence, AFDC Receipt and Welfare Reform in Mass., 12, 14 (1997) (64.9% of 734 women); Ellen L. Bassuck et al., *The Characteristics and Needs of Sheltered Homeless and Low-Income Housed Mothers*, 276 JAMA 640 at 12, 20 (1996) (61.0% of 220 women); William Curcio, Passaic County Study of AFDC Recipients in a Welfare-to-Work Program: A Preliminary Analysis, 12, 14 (1997) (57.3% of 846 women).

battered women surveyed said that their partner prevented them from working entirely.[25] Those who are permitted to work fare little better: 96% percent reported that they had experienced problems at work due to domestic violence, with over 70% having been harassed at work, 50% having lost at least three days of work a month as a result of the abuse, and 25% having lost at least one job due to the domestic violence.[26] In short, domestic violence creates and exacerbates economic insecurity.

Even interactions between the batterer and his child can be dangerous—both for the child and for the mother if she is forced to have contact with him. In some cases, batterers intentionally injure their children in an effort to intimidate or control their partners; in other cases, children are injured during attacks on their mother.[27] Whether or not there is physical abuse, there is nearly always emotional and psychological abuse; 80–90% of children living in abusive homes are aware of the violence and abuse.[28] Children commonly report feelings of worry, fear and terror.[29] The abuse affects their relationships with their father; those relationships are often a source of pain, resentment, disappointment, confusion and ambivalence.[30] Unfortunately, separation increases the danger of abuse for battered women.[31] Because much of this violence is perpetrated before and after visits with the child, children's exposure to this violence is increased.[32] Not surprisingly, those fathers who were physically or sexually abusing their children prior to separation continued to do so in post-separation visits.[33]

While supervised visitation centers have been utilized as an avenue for allowing visitation between batterers and their children, there are not enough supervised visitation centers and in many cases the security in those centers is inadequate, staff is not trained in domestic violence, and women and children are abducted, harmed, or killed. Thus, even supervised visitation centers are not always safe.

Clearly, most fathers are not abusive. But domestic violence impacts approximately one million women[34] and their children each year, and the incidence of domestic violence is particularly high within the population Congress seeks to reach with this legislation.[35] Thus Congress must not promote father involvement without recognizing that some fathers will have a history of domestic violence and that, in some cases, father involvement is not in the best interest of the children. Contrary to the position of some fatherhood advocates, the mere presence of one's biological parent is not the most important factor in a child's successful upbringing. Countless studies show that children who witness violence and those who are victims themselves suffer enormous physical, psychological, and social damage.[36]

Children who have been abused and neglected are more likely to perform poorly in school, to commit crimes, to experience emotional and sexual problems and to abuse alcohol and substances.[37] Any "fatherhood initiative" should explicitly recognize this reality and should ensure that father involvement is not promoted for fathers with a history of domestic violence in the same manner as it is for other fathers.

Given the emphasis on marriage and unification, the pending fatherhood legislation fails to sufficiently resolve key domestic violence concerns. While the original sponsors have made commendable efforts to address the problem, the bills nevertheless fail to adequately protect domestic violence victims. The Responsible Fatherhood Act (S. 653, H.R. 1300) findings address the issue well. S. 685, S. 653 and H.R. 1300 require fatherhood programs to coordinate with a domestic violence program.

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[25] *See* United States General Accounting Office, Report to Congressional Committees, Domestic Violence: Prevalence and Implications for Employment Among Welfare Recipients, 7 (1998).

[26] *See* Joan Zorza, *Woman Battering: High Costs and the State of the Law*, 25 Clearinghouse Rev. 421 (1991).

[27] *See* Einat Peled, *Parenting by Men Who Abuse Women: Issues and Dilemmas*, Brit. J. Soc. Work, Feb. 2000 at 29.

[28] *See* Janet Carter & Susan Schechter, Family Violence Prevention Fund, Suggested Components of an Effective Child Welfare Response to Domestic Violence (1997).

[29] *See* Peled, *supra* note 17, at 27.

[30] *See id.*

[31] *See id.* at 28.

[32] *See id.*

[33] *See* Peled, *supra* note 17, at 28.

[34] *See* Callie Marie Rennison & Sarah Welchans, U.S. Dep't of Justice, *Intimate Partner Violence* 8 (May 2000). According to the U.S. Department of Justice, intimate partners commit 937,490 violent crimes against women and 144,620 against men annually.

[35] *See* U.S. Dep't of Justice, *Extent, Nature, and Consequences of Intimate Partner Violence*, 33 (July 2000).

[36] *See* Lucy Salcido Carter et al., *Domestic Violence and Children: Analysis and Recommendations*, 9 The Future of Children 3, at 5–7 (1999).

[37] See Joy D. Osofsky, "The Impact of Violence on Children," The Future of Children: Domestic Violence and Children, Winter 1999, at 37 (1999).

They also suggest that one of the ways in which a program can fulfill its requirement to promote marriage is by teaching on how to control aggressive behavior and disseminating information on the causes of domestic violence and child abuse.

The Child Support Distribution Act (H.R. 1471) also suggests disseminating information on the causes and treatment [sic] for domestic violence and child abuse as one means of promoting marriage and requires every fatherhood program to give information and referrals on the matter. Given the proclivity for batterers to seek visitation and custody of their children as a means of prolonging the abuse, all of the bills include a key prohibition on use funds for court proceedings around visitation or custody, and legislative advocacy.

While well intentioned, the language does not provide essential safeguards. Where collaboration is required, the bills do not ensure collaboration with a recognized expert in the field of domestic violence, nor do they fund the mandated collaboration. H.R. 1471 does not even require such collaboration, and instead relies on its national fatherhood program to piece the materials together for distribution to the other programs. None of the bills require that program employees be trained by recognized experts in the field of domestic violence on domestic violence and its impact on children. Nor do they require the fatherhood programs to assess whether participants in the program have a history of domestic violence, or describe procedures for dealing with such participants—including, among other things, how the program would alter its policy of promoting marriage or father involvement for such a participant, and what precautions would be taken to ensure that any involvement with the child was safe for the mother and child.

Where the very lives of these women and children are at stake, we cannot afford to encourage the involvement of fathers who have a history of domestic violence without taking every reasonable precaution, and without recognizing that in some cases father involvement is not appropriate. Unfortunately, these bills continue to promote marriage and father involvement without these precautions. This Congress has consistently recognized that domestic violence is a serious national problem and has made efforts to minimize the severe risk to women and children from that violence. We urge you to reject fatherhood legislation without these important safeguards.

Conclusion

Congress should be concerned with ending poverty and supporting economic security for all. Addressing the barriers to economic security for low income noncustodial parents and other low income individuals is a laudable step towards that goal, but Congress should not raid TANF dollars to do so. TANF money must continue to address the barriers directly affecting those who make up the welfare rolls: custodial parents and their children.

We applaud Congress' proposed child support reforms and hope to assist Congress in ensuring that when child support can be paid and safely collected, it will be passed through to the children. Furthermore, NOW Legal Defense supports Congress's continued interest in and support for men's increased responsibility for contraception, childcare, and positive, healthy relationships with their children, as well as cooperative co-parenting between custodial and non-custodial parents. Such programs should be available across income levels and should be crafted to ensure safety and advance gender equality. We look forward to working with Congress to achieve these goals.

Thank you for the opportunity to submit this testimony.

Pittsburgh, Pennsylvania 15220
July 11, 2001

Allison Giles, Chief of Staff
Committee on Ways and Means
U.S. House of Representatives
1102 Longworth House Office Building
Washington, DC 20515

Subject: Public Hearing on Child Support and Related Issues

Dear Committee on Ways and Means:

Thank you for allowing me to express my strong and urgent support in favor of changes to legislation that eliminates gender bias and corruption in Family Law

matters relating to Child Support Guidelines and rightfully making Presumptive 50/50 Joint Custody the rule and the law.

I am a father of two daughters who are 9 and 4 years old. I have been blessed to obtain 50/50 joint custody from the time the oldest was 5 years and the youngest was 7 months old. I could tell you much about the difficulties and hardship I was confronted within the family court system in the related divorce, custody and support process but I'd rather thank God for allowing my parent rights to look after the girls and the good success that both their mother and I see in them. It was an initial challenge to co-parent but it became easier in time for me because I believed we both got a chance to know that each of us tremendously loved our children. Therefore, I must take this opportunity to speak in support of other fathers who are denied their rights and access to parenting their very own children. I am going to assume that most people are not aware of the dangers facing children who live apart from their fathers. It is my hopes and prayers that there is more than sufficient evidence available to you to now know the truth and that you will do the right thing in making Presumptive 50/50 Joint Custody the law and practice as well as the stopping the unconstitutional extortion of monies from responsible law abiding citizens through gender biased child support guidelines and systems.

The Case for Presumptive 50/50 Joint Custody

We have heard much over the years of so-called deadbeat dads and we now understand the myths surrounding this stereotype have been shattered. Now we must raise awareness of the tragic problem in the area of emotional child support—namely, the phenomenon termed "DEADBOLTED DADS" which was coined by Gail Sheehy in a 1998 New York Times article and refers to dads who are locked out of their children's lives with no way of getting back in after divorce or family break-up. Deadbolting can also happen to non-custodial moms.

Sociology Professor David Popenoe wrote in "Life Without Father" if present trends continue, the percentage of American children living apart from their biological father would reach 50 percent in the next century.

I believe we are well ahead of that disastrous pace when considering the April 18, 2001 published article "Unwed Mothers Set A Record for Births" by The Washington Times. The article states "a record 1.3 million babies were born out of wedlock in 1999 marking the first time that a full one-third of all U.S. births were to unwed mothers, the federal government said." If there are custody disputes the facts are that 80 percent or more of the time, the mother is routinely given sole custody in violation of the inalienable human rights of the child to also enjoy the love and nurturing relationship with their father.

Couple this with the fact that 50 percent of the 2.6 million children born in wedlock or about another 1.3 million, through divorce, will find themselves in the same victimized role of the children born out of wedlock and subjected to the same 80 percent sole custody mother violation of the child's basic human rights to know the love and nurturing of their father. Two thirds of these 1999 born babies may find their lives void of the love and security of their father if we do not act now.

Also, when we consider that this does not include children born before this 1999 report and are nevertheless, victims in the same proportions, the numbers are staggering and in at least the 15 to 20 million children range.

This is a problem that Americans care about "according to a 1996 Gallup Poll, 79.1 percent of Americans feel the most significant family or social problem facing America is the physical absence of the father from the home. This number is up from 69.9 percent in 1992." (MSNBC website: "Labor Day: where are the fathers", 1999).

When there is an absence of 50/50 joint custody, extended families are cut off, too. Loving grandmothers, grandfathers, sisters, brothers, aunts, uncles and cousins all suffer when a child is unnecessarily kept away. A whole heritage is lost to these children.

We must acknowledge the truth that fathers love our children just as much as mothers do. We have forgotten this simple truth because we are bombarded with negative images and stereotypes of fatherhood such as runaway dads, absentee dads and deadbeat dads when the reality is that dads are deadbolted, and in most cases broken-hearted over the loss of their beloved children. Furthermore, the children are missing their dads, too because they love their dads as much as they love their moms.

Why is if so important to immediately reunite children in the homes of their fathers which the presumption of 50/50 joint custody will facilitate? Consider this:

Children of fatherless homes account for:

- 63% of youth suicides
- 71% of pregnant teenagers

- 90% of homeless and runaway children
- 70% of juveniles in state-operated institutions
- 85% of children that exhibit behavioral disorders
- 80% of rapists motivated with displaced anger
- 71% of all high school dropouts
- 75% of all adolescent patients in chemical abuse centers
- 85% of all youths sitting in prison

Many children who are victims of crimes are raised in a fatherless home and the perpetrators who commit these crimes are themselves raised majority of the time in a fatherless home.

These horrible statistics are even twice as worse for African Americans who in the same year 1999 have twice as many children born out of wedlock at almost 70 percent. There is a direct correlation between: the number of African American children born out of wedlock, the number of African American sole custody mothers, the number of fatherless African American fatherless homes, the disproportionately high number of African Americans in jail and the criminal justice system, the disproportionately high number of African Americans in poverty.

In regards to child abuse, The U.S. Department of Health and Human Services states that there were more than 1 million documented child abuse cases in 1990. In 1983, it found that 60% of perpetrators were women with sole custody. 50/50 Joint Custody can significantly reduce stress associated with sole custody, and reduce the isolation of children in abusive situations by allowing both parents to monitor the children's health and welfare and to protect them.

In regards to poverty, The National Fatherhood Institute reports that 18 million children live in single parent homes. Nearly 75% of American children living in single parent families will experience poverty before they turn 11. Only 20% in two parent families will experience poverty. (Melinda Sacks, Fatherhood in the 90's: Kids of absent fathers more at risk, San Jose Mercury News (10/29/95)). Also, the feminization of poverty is linked to the feminization of custody, as well as linked to lower earnings for women. Greater opportunity for education and jobs through shared parenting can help break the cycle. (David Levy, ED., The Best Parent is Both Parents (1993)).

In regards to kidnapping, family abductions were 163,200 compared to non-family abductions of 200–300. The parental abductions were attributed to the parents' disenchantment with the legal system. (David Levy, ED., The Best Parent is Both Parents (1993)), citing a report from the U.S. Department of Justice, Office of Juvenile Justice (May 1990).

How did we wind up in this current destructive position? The current family law court system has done an injustice to all of our constitutional rights as mothers, fathers, children, legislators and citizens. Many attorneys, not all, engage in unethical practices that result in significant and usually unnecessary litigation to extort money from both mother and fathers. But the fees for the fathers are usually incurred at an even higher level than the fees incurred by the mother, as much as 6 times more or higher. The public is not aware of the excessive litigation that occurs and how difficult it is for fathers to keep going back to court again and again to get some form of custody. Dads become emotionally and financially drained. They are forced to spend thousands of dollars just to be able to see their children. This is tragic.

Many of these unethical attorneys do not represent the interest of their client the father by withholding information pertaining to options and rights that they have full knowledge of in order to generate more billable hours at the expense of the children and their fathers.

These attorneys are sometime aided by Domestic Relation Officers who are biased against fathers and routinely issue support orders without the establishment of custody orders that must be appealed if the father is knowledgeable and financially able.

Sometimes we have judges who will not stand for such injustices and biases, may they be blessed forever, and will issue the right and honorable court order of 50/50 joint custody. But most of the time this may not happen due to their heavy caseloads and undue pressure from attorneys who may have various associations and relationships with the judges.

We have the chance today to turn this cycle of disaster into a cycle of opportunity for love, growth, safety, and stability for our children and all the citizens they affect in our nation. We can take a giant step forward in the best interest of our children's health and welfare by:

1. Passing legislation on Presumptive 50/50 Joint Custody. This will minimize and ultimately eliminate the impact of unethical attorneys, prevent and elimi-

nate the premature and biased actions of Domestic Relation Officers, remove undue pressures from judges, lighten the judge's caseload for attention to the more serious cases of custody that are the exception to parents who have the law abiding character and ability to receive the responsibility of Presumptive 50/50 Joint Custody or any other agreement between the parents that they believe is in the best interest of the children through a parenting plan.

2. Committing to working with the federal government on a Uniform Parental Rights and Enforcement Act. This will enable consistent presumptive joint 50/50 laws to be enforceable across all of these United States of America. We will eliminate the complications, delays, risk to the children, and costly expenses to the parents and taxpayers due to the separate custody laws of each state. American children are American children. They have an inalienable right to give and receive love from both of their parents regardless of which United States of America they have been unlawfully transported to.

3. Committing to special efforts to reverse the cycle of fatherless homes in African American communities where our children in these United States of America suffer the greatest disproportionate share of death and destruction in the life issues of health, economics, education, self esteem and safety. Presumptive 50/50 Joint Custody represents an excellent tool to proactively educate African American fathers of the joy and benefits accrued to their children when they step up and accept a 50/50 joint custody role, free of prejudices and biases faced in the current family law system.

In summary, the issue of Presumptive 50/50 Joint Custody is not about women versus men or moms versus dads. The issue is about the physical, emotional, spiritual and financial health and well being of our children. Children need both parents. We need fair and equal treatment in the courts for all men and women, and recognition of the human rights of children to know, love and share the lives of both parents. Unnecessary and unjust intervention by the courts into the private realm of family life and parenting must stop. We must pass Presumptive 50/50 Joint Custody legislation.

Gender Biases in Pennsylvania Child Support Guidelines

I am a very concerned citizen and feel my comments are very important to modifying Pennsylvania's Support Rules of Court in particular and the erroneous national support guideline model in general. With all due respect and a pursuit of what is good, right and justifiably fair, I humbly submit my comments on the "anonymous" Committee that implemented the Pennsylvania Support Rules as an example of the national child support guideline model flaws and biases as follows:

Rule 1910.16–1 Amount of Support. Support Guidelines

Commentary on Rule 1910.16–1

(a) The support of a spouse or child is a priority obligation, however, the expectancy of a party to adjust her or his expenditures to meet this obligation can force a good hardworking honest citizen into financial ruin.

It is grossly unfair when the party who was abandoned and did not initiate the breakup of a family finds herself or himself, suddenly in a support hearing, before any custody ruling or action has been determined, and gets hit with a devastating support judgment, effective immediately, with no chance to adjust other expenditures, simply because you earn more money than the other spouse. It is a cruel and unusual punishment.

In the case where a spouse has abandoned the other spouse and files for support where there has been no "evidence of abuse" (more than the filing of a Protection From Abuse—PFA which requires only an accusation and no facts) but merely because this spouse has decided to selfishly pursue their own desires at the expense of the abandoned spouse and even using the children as a way to finance this breakaway, does not represent a stable person with the best interest of the children, and therefore, should not be awarded any support until a custody hearing and ruling has been completed.

In fact, everyone should have to prove "just cause" of why the children should not remain under the custody of the spouse who has been abandoned in a presumed stable environment.

Therefore, the burden of adjusting of expenditures should justifiably be shifted more heavily to the party who has made the decision to abandon the family unit, not on who earns more money.

In fact, the one earning more money will tend to have the expenditures that are more fixed in nature and more difficult to adjust, i.e. mortgage, auto loans, education and consumer loans, etc.

The priority of support should be for maintaining the children in their stable living environment. When a person decides to leave a marriage because they "feel like" they need to pursue other interest, they should not be entitled to remove income from the marital household that is available for the children and remaining spouse, regardless of whether the remaining spouse is the man or woman, higher income earner or lower income earner.

Further, when such a person decides to leave a marriage because they "feel like it" they are entitled to do so with their share of the marital property because no one can make them stay, but this person should not be entitled to spousal support especially when they have a means to provide for their own living and has chosen their own independence. They deserve to be left independent with the fruits of their own labor.

There is no good basis for making such a spousal support award and this practice should cease.

Rule 1910.16–2 Support Guidelines (Grids) Calculation of Net Income

Commentary on Rule 1910.16–2

(d) Reduced or Fluctuating Income

(4) Income Potential. The concept of appropriate employment in consideration of a party's earning capacity requires more definition. We should be able to construct a schedule of earning capacity according to the age, education, training, and market value of a parent's skill set.

This should be the starting point of earning capacity assessment in determining support. This will help provide a fair and firm guidance to parents to know their responsibility and assessed contribution to support based upon the skills and talent that they possess regardless of whether or not they choose to obtain it.

For example, if a person has a bachelor degree in Computer Science and training in a curriculum such as Computer Analyst, and has had these skills for 10 years that would translate into a Senior Analyst with an average market value of $50,000 but the party has chosen not to capitalize on the investment of the education and training and has decided to instead take employment as a data entry clerk with a salary of $25,000. This party should be assessed with the earning capacity of $50,000.

This will establish an environment where both parties will know to diligently pursue their maximum earning capacity, thereby maximizing the resources available for supporting the best interest of the children.

The courts have consistently and rightfully stated that it must be both parties equal responsibility to obtain their earning capacity in the support of their children.

The information on employment and earnings for the composition of such a schedule to be used as a guide should be available from existing wage and salary surveys.

I believe this will go a long way in confirming our seriousness in the best contribution of one's skills and abilities to the benefit of our children, family, and ultimately as a Pennsylvanian example of our great United States of America.

We have an opportunity to encourage all parties to strive to gain the intrinsic reward of fulfilling one's potential. People should have a better sense of what's expected of them as a responsible wage earner parent.

Commentary on Rule 1910.16–2 Support Guidelines

(e) Net Income Affecting Application of Child Support Guidelines

(2) High Income Child Support Cases.

After divorce and established earnings, if one spouse through hard work and risk taking is blessed with significant earnings, why should one be required to make any increased child or spouse support payments to a spouse who takes no risk and in all probability has *another co-habitant who also gains the benefit of support meant for the children*?

To the parent(s) who are committed to the personal nurturing and rightful upbringing of their children, the intervening non-parent, the co-habitant who has no responsibility of child support should not have any access to the provisions meant for the children.

This is true in all income cases and not just limited to high-income cases. This is a real big problem that I believe is at the core of much violence and death that we see and hear about in cases of troubled families.

Although I do not agree with the actions, I can understand why a person can be so enraged to commit violence and murder when they see someone else living in a house, eating food, driving cars, living a better life because of the blood and sweat of a supporting spouse's labor.

It is wrong, unnatural, and down right wicked for a co-habitant to be excused from the support equation. The co-habitant had a choice of whether or not to enter

the relationship, and should have to pay the cost like everyone else. We must address this issue.

I would suggest that we consider a standard and guideline of support for a co-habitant, being subjected to the same test of earning capacity as everyone else.

Just as it is stated that in the comments of the recommendations in multiple families, and extending beyond just the children of a second family, but to the second adult, the co-habitant;, is only entitled to the standard of living established by the parent and the co-habitant, and not the standard of living that may have existed earlier in the first family "because of the support payment monies made by the first family parent of the children".

The co-habitant is responsible for choosing to enter such a relationship and must also be held accountable for support and not allowed as a parasite to consume resources contributed for the children. There must be no double standard.

Rule 1910.16–4 Support Guidelines. (Deviation) Calculation of Support Obligation. Formula

Commentary on Rule 1910.16–4

(b) Shared Custody—When both parents are equally raising their child(ren), it is more than just spending time. It is an erroneous and biased disposition not to be sensitive and see both parties in the role of obligor and obligee, regardless of who earns the higher income.

Otherwise, the party with the higher net income is unjustifiably translated into the non-custodial parent penalties, and therefore, never perceived in an obligee role and also justifiably appropriate to be provided favorable consideration as any other custodial parent(s) who is spending their appropriate share of support on the children within their household that they are maintaining even though they do not receive one penny from anyone.

It would be coldly biased, incomplete and unjust to ignore these facts and not give obligee consideration and benefit to both parents.

(f) Further, evidence of the need to be implicitly as well as explicitly fair in the treatment of both custodial parents, as both obligor and obligee, in equally shared custody, is the biased language and treatment that follows as a result of language in this section of Rule 1910.16–4 (f): "utilize the guidelines which result in the greatest benefit to the obligee."

We must be careful to always be fair and balanced to both parents who are equally and successfully raising their children.

Rule 1910.16–5 Support Guidelines. (Operation) Deviation

Commentary on Rule 1910.16–5

(c) No deviation from the support obligation shall be made for the amount of time that each parent spends with the child or children is blind, cruel, and out of touch in today's environment, thirty years after the equal rights amendment, where both parents have equal access to opportunity in the workplace and choices of career.

Except in cases where one spouse abandons the other spouse and child or children, "no deviation" in this ruling makes too great of a financial incentive for a support recipient, usually the woman, to use the children as pawns for purely money, and that is the plain and simple truth.

We need to be more compassionate to the love, effort, and resources both parents are in fact expending to make our children stable, healthy, assets to our society.

I believe there is a direct correlation between the greed created by these support incentives and the extremely high rate of divorce and family breakdown.

I appeal to your sense of wisdom, justice and compassion, to not let our children be used as pawns to gain financial advantage. No matter how it is disguised, we must end this practice of wrongfully giving preferential treatment to one sex gender over another.

I know this is a sensitive issue but we as fair minded Americans must as always have the courage to do the right thing.

Especially in the case of equally shared custody, which should be the presumption upon parents separating, it is right in the common sensed use of the offset method for split or divided custody, which involves determining what each parent owes when the other parent is the primary custodian and then subtracting the difference. It is also right in the common sensed use of dividing this difference in half.

The only factor that should enable consideration to deviate from dividing this difference in half is where the parent of lesser income is below the poverty line income and the parent with more income will not be pulled down to poverty line income.

Otherwise, the merit of the Committee argument is loss because where the Committee presumable in honesty and sincerity erred is in the example where one par-

ty's net income is $4,300 and the other party's net income is $2,900, resulting in a net support payment of $181, the Committee ignored the fact that a total of $2,900 + $181 = $3,181 net available income is well above poverty and more than sufficient for any responsible and prudent person to maintain a good and healthy household, above a poverty level of living.

To not recognize this, with all due respect, but in truth, it is biased, greedy, and Un-American as it denies a citizen the right to life, liberty, and happiness through wrongfully seizing the income earned through capitalizing on one's labor and making their own best choices of use for the children.

Also, it must be explicitly and implicitly recognized that in shared custody, both parents are the custodial parent half the time and that each have fixed expenses relating to the children.

Therefore, without being grossly biased against the higher wage earner, who is usually the man, we must not fall prey to the flawed theory that "these costs (of either parent), merely duplicate the costs already being incurred by the custodial parent, as both parents are the custodial parent and neither is entitled to preferential treatment at the expense of the other parent.

In summary:

I have given you my best thinking and heartfelt compassion on these issues. I believe that such crucial issues affecting so many citizens should be well publicized and distributed, possibly moved to referendum for public opinion and vote.

My heart and hope are in pursuit of removing financial incentive from either of the parent altogether. However, the current guidelines greatly missed the mark on several issues as I have tried to communicate.

We need a system built on compassion, commitment, and fairness to allow both parents to raise our children in an environment of love and experience our Constitutional Rights of Life, Liberty and Pursuit of Happiness.

I appeal to your sense of goodness, righteousness, and fairness as a fellow human being and valued American citizen, to do the right thing, and help us to restore the mental, physical, financial, and intellectual well being of our children, through just and fair guidelines, void of gender biases.

Thank you in advance for any assistance you can provide in legislation to eliminate all biased financial incentives from either parent and focus on the best interest and well being of the children and the love and care they are should have from both parents.

Sincerely,

James R. Overton

Statement of Paul W., and Wendy G. Peterson, Cary, North Carolina

ANOTHER SIDE TO THE CHILD SUPPORT ISSUE:

I believe that the current child support laws need to be drastically changed so that a father's second family DOES NOT SUFFER. My husband and I have been paying child support to his ex-wife for 12 years. The child support check has always been the first check that is written each and every pay day. We have 2 children of our own, ages 7 and 3. The term 'Child Support' is a joke to me. My step child is being supported at the expense of my own children. If I just had a penny for every time my husband or I have said something like, "Someday when child support is over, we will be able to afford. . . ." My children have heard the phrase, too. We have felt as though our life and family is on hold. In 3 years we will—thank God—be done paying for child support. Here's a list of some of the things we will be able to provide for our children once we are done paying child support that we currently have not been able to:

- Proper (consistent) dental & eye care (This has been a hard one since we are currently paying for my step child's braces.)
- Extra activities like piano lessons, sports, arts & crafts, pottery lessons, swimming lessons & summer camps to name a few
- Cable or Satellite TV
- A membership to the YMCA or other swim/exercise club
- More Clothes & Toys that don't come from yard-sales and thrift shops
- Yearly vacations
- Cars that are newer than 8 years old and that would require collision insurance
- A college fund

I do however, consider us very blessed! We are blessed because:

- None of us has required surgery or medical attention that insurance won't cover.
- My younger son won't have any adult teeth until after child-support is over.
- My children seem to have good vision at this time.
- My children won't need braces until after child support is over.
- My son's are still young enough to be entertained with simple things.
- We are able to get public TV with a roof antenna.
- My children enjoy the lakes as much as public pools.
- My children love getting toys from yard-sales.
- We live in a prosperous enough country that people will sell nice clothes for a quarter.
- My husband knows enough about cars to keep our old ones going.
- Public school is FREE—What a blessing that truly is!

WHAT ABOUT THE FAMILIES THAT ARE NOT SO BLESSED? I just can't imagine having teenagers and paying child support, too. I can't imagine having a child in desperate need of constant medical attention. Yes, our family is blessed.

I am so sick of the term 'Dead-Beat Dads'. It seems to me that fathers are guilty before proven innocent or worthy. I feel so bad for all the young fathers. My husband has a good job, and it is still hard for us. What about these dads making minimum wage? To tell them they have an 18 year sentence to pay child support is like a living hell.

I DISAGREE WITH:

- Basing child support on some crazy figures of what it costs to raise a child. We are not even going to get close to any of those figures for our children! In fact, the child support we pay does not all go to the child we are supporting. We are simply subsidizing the mother's second husband's income. We do not spend the same amount on both our children together.
- Figuring a portion of child support is for housing. The mother has got to pay for that anyway.
- The notion that children ought to have the same standard of living as they did before the divorce. Statistics show that ⅔ to ¾ of divorces are initiated by woman. When a mom walks out of a marriage, she walks out of that standard of living.
- Seizing bank accounts, taking money from fathers paychecks and making life a living hell for fathers and especially the second family involved. (Statistics show that 80% of divorced men remarry, and most do within 3 years.)

What is this nonsense? I am so glad we are not in the "system". This reminds me of the bible verse "Do not provoke your children to wrath." Is the penalty for not paying child support so steep that it is causing some young fathers to look to other means of illegal income? I am not trying to justify their wrongful actions, but it just seems to me that you'd have more cooperation if you gave these dad's a chance to do things right on their own. No one has to tell my husband to pay support, he just does it.

- Any court, state or private agency making a profit on child support! This would make any person distrust the incentives behind collection.
- Allowing zero accountability on behalf of the mother. Not only is this a breeding ground for resentment on behalf of the father, but it can be a serious DANGER to the child. A mother can take the money and buy whatever she wants with it and deprive her children of the things they need. Children having mothers with addictions are especially at risk. Tax free money that does not need to be accounted for or is easy drug money. Statistics show that 80% of the states report that parental substance abuse within poverty are the greatest child welfare problems. In some cities, more than 75% of welfare cases are linked to alcohol and drugs.
- Allowing no tax deduction for the parent who pays support. Why should the father's second family have to pay taxes on income that benefits another family?
- Manipulating the child support system for the benefit of the custodial parents on welfare (and therefore, the government) when in fact 50–60% of all custodial parents receiving support are NOT ON WELFARE!

I AGREE WITH:

- Making it harder for people to get divorced, and premarital counseling.I think this alone could solve a lot of problems in our society.

CHILD SUPPORT GUIDELINES:

In spite of the fact that child support figures are too high, North Carolina has one of the best models for figuring Child Support. I believe all states should be consistent in figuring support, and I believe NC's model would be a good one for the nation to adopt. Non-custodial parents living in states that use a flat percentage to figure child support have my deepest sympathy. But even within my own state, the agencies are not consistent with the way child support is figured. This must not be so!!

TRUE STORY:

A Christian friend of mine is doing everything in her power to hold her marriage together. Because of the husband's past, I am convinced he is cheating on her and doing drugs. He has moved into the basement of their house, and is living quite apart from her. She wants it to work out so bad, that she is allowing him to do this. I truly believe that he is content to remain in the marriage and in the basement to avoid having to make child support payments.

CONCLUSION:

Child support payments need to be FAIR. There will always be fathers who will do everything in their power to avoid payments. But even law abiding fathers need to feel as though the support is fair. Resentment can show up at bad times, and will ultimately affect the child's sense of security. When a man and woman are married, they make decisions together on how money should be spent on the children. Divorced dads are deprived of that right. After a stressful divorce, they are forced to turn over all decisions about their children to the mother. Divorced dads don't want money that is meant for their children to be thrown into a melting pot of the mother's needs and wants for herself and the children. How much money does the mother REALLY need for the children, and how can we know? The custodial parent should be required to fill out paper work accounting for where the money is going, and fathers should be entitled to that information. This would ensure that the money is going directly to the child being supported, and therefore divorced dads around the country would be more apt to pay. It would also help to ensure that the fathers' other children would not be deprived of the things they need at the expense of their half siblings.

Protecting Marriage, Inc.
Wilmington, Delaware 19803
July 5, 2001

Hon. Wally Herger, R–CA
House Ways and Means Committee
Subcommittee on Human Resources
Rayburn House Office Building
Washington, DC 20015

Dear Rep. Herger:

This letter is supplemental testimony to your June 28th hearing on the Child Support bill, H.R. 1488. I called the subcommittee today and received instructions on how to submit from a Macintosh computer and was instructed to email my information as an attachment to Ms. Kitchin. We were also paying attention to your hearing on May 22nd as I am well known to many witnesses—Wade Horn, Robert Rector, Mike McManus—on the divorce issue. However, because we expose significant academic research data that confronts some of what you have heard, I, personally, am unfortunately quite controversial. For quick reference, I am in the Heritage Foundation's Directory of Public Policy Experts. You also could confer with law professor Katherine Spaht, the author of Louisiana's Covenant Marriage law, who supports what I reveal on this issue.

In 1996, I received a call from a reporter in Bowling Green, OH who informed me that we should be paying attention to the Welfare Reform bill, and I asked why. Because, she said, in it was funding to "non-custodial parents" which we know is code for 'Fathers', and the fact brought forth continually in all research studies is that it is Mothers or Wives who end up losing disproportionate financial benefits after divorce and are recipients of most family responsibilities. The fact is that every year in the United States (see the Census or American Demographics) among unmarried men [never married, widowed, or divorced] the group with *the highest median income* is **divorced** men/fathers. As a United Nations report of three years ago

stated, "there is no country in the world that treats its women as well as its men." Wives and mothers in an unaddressed divorce which they cannot by law defend against, are a Human Resource, Congressman Herger, and this committee must fairly address that issue.

Your staff needs to obtain the 1994 Journal of Socio-Economics and go to the study titled "Crime and Unemployment" where a stunning and unanticipated finding emerged in a 44 year tabulation of all U.S. county data: "the **most powerful predictor** of Homicide rates in the United States are the *divorce* rates." The Drexel University researchers used the top rated variables (women in the workforce, percentage of Roman Catholic families, etc.) and the coefficients are huge in the results. When I pointed out to Wade Horn that this finding was not showing that Fatherlessness, per se, is prompting the homicide increase, but rather that high *divorce* occurrences were, he was displeased. And to be divorced, one must first be married. In order for marriage again to be attractive to both men and women, then the exigencies, and unbalanced ordered losses, from mandatory no-fault divorce law need be changed. Professor Spaht is on record as stating that we are *not* going to succeed with requiring marriage prep courses or marriage mentoring *until* this country corrects our disastrous divorce statutes, too. She feels that after 30 years of failing to change state divorce laws due to the power of special interests of lawyers and therapists, in particular, to stop such correction, we shall have to address exposing that problem. In 1997, we submitted a bill proposal to Senator Sessions when his committee was working on the Youth Violence bill (S. 10) which never passed. Robert Rector asked me for a copy of the Drexel study two years ago. When an educational organization like Protecting Marriage, Inc. and its leaders are showing hard data that may slow the flow of federal funds to the wrong entities, these policy analysts are quite unpopular and too often dismissed or libeled. We urge your Subcommittee to take a look again at where you may direct support; the fate of America's children cannot *continually* be misused as it has been since 1970. Can it? We all are sincerely active in wanting to end the destruction of children's futures; and *every* married Mother promotes her husband as a firm and loving Father to their children.

There is one last point that we must address. There is much research that shows that mandated joint physical custody does **not** produce optimal results for children. Despite political pressure, it is a fact and not a surprising one. Stability for anyone rests on being securely in one place and with a parent who does not betray ... either parent of either gender, who does not betray the marriage and family, but visitation of one's children *should* be assured in our laws. To declare that TANF funds be spent on "strengthening marriage" when top studies (USC in 1998 and Univ. of OK in 1995) show that no-fault divorce **laws** *independent of other factors* were the cause of our divorces exploding in number, then your subcommittee should shift its focus slightly from marriage prep to genuine marriage preservation by offering rewards for enacting divorce statute disincentives. Email to our office tells that Congress wants **solutions** and we have endeavored to provide some in this testimony. We are at your service, via frequent trips to Washington, and providing studies identified here. Your personal profile on marriage and family is enviable and that leadership focus is important, Representative Herger.

Very sincerely,

Phyllis H. Witcher
President

Society of Just Men
Columbia, South Carolina 29209–1019

Ms. Allison Giles
Chief of Staff
Committee on Ways and Means
U.S. House of Representatives
1102 Longworth House Office Building
Washington, D.C. 20515

Dear Ms. Giles:

Please accept this correspondence as my submittal for the approaching hearing dealing with Child Support and Fatherhood Proposals.

I am the Founder of the Society of Just Men. Our organization was brought into being because of the rampant fraud, deceit and even criminal conduct found in the

family courts of this country. Our family court systems are running over with unethical practices by matrimonial lawyers who continue to work for the total destruction of the American marriage and the financial depletion of the assets of any family that finds itself in the clutches of these corrupt judicial systems during great periods of emotional stress.

While the issues in your hearing revolve around child support, there are other issues that go deeper into the problems between fathers and mothers caught-up in the child support system. An observation is that the U.S. Bankruptcy Court is a court of law and equity. It helps individuals, families and businesses in the preservation of their assets and lives. The family courts of the states are also courts of law and equity, and they are charged with helping families with their lives and assets during the same kind of emotional and financial stress as the bankruptcy court. The real problem seems to be that **the family courts are designed primarily for lawyers** who financially destroy every family in their courts.

In our family courts, the attorneys and their hand-picked judges literally ravage the assets of the American family. They engage in the most heinous legal practices and they use these tools to take all assets away from the father and mother. Then, they ask the court to imprison the father for not paying. Here in South Carolina, matrimonial lawyers flood the courts with unethical types of practice and the judges accept them on the tacit understanding that the more legal pleading, the more hearings, the more wallpaper, the more job security for the jurists. Before you make any critical decisions burdening the fathers of the country any more, we in the SJM feel you should lessen the financial burden on both mother and father by giving them justice in the family courts. There are many practices you should consider. If you take a look at these unethical practices, you will see why many men cannot afford a lawyer for a change in child support amounts. If you examine these unethical practices, you will see why some men are simply beaten down financially and destroyed spiritually. A few are listed as follows:

1. GAMING.—This is one of the oldest types of unethical practices by divorce lawyers. Gaming is associated with any kind of effort on the part of the lawyer to create a war-like atmosphere between the parties. To effectively game, you have to have the cooperation of the other attorney. Gaming can mean creating of useless hearings, useless meetings, unnecessary investigations, unnecessary motions, etc. It is associated with *Sharp Practice* and *Wallpapering*.

2. SHARP PRACTICE.—This is a form of fraud upon the court. It is usually associated with making false representations to the opposing attorney and to the court. For example, the gross misrepresentation of the appraisal value of a chattel in a divorce. The withholding of critical evidence from the court is another example of sharp practice.

3. CONTROLLING THE CASE.—This is a very common form of unethical practice here in South Carolina. If the lawyers cannot "control" the case, it could become settled too quickly and they might lose money. One example is where your attorney will call your wife's attorney and secretly notify him that a private investigator is on the way to gather evidence as to the adultery of his client. After all, if adultery were quickly established, the case would have to be settled and the lawyers would not make any huge fees. This is very common in South Carolina and other states.

4. WALLPAPERING.—This is the most common type of abuse in the divorce courts. If a client calls his lawyer for a simple question, he gets back a four page letter confirming the telephone conversation. Long and totally unnecessary letters, motions, memoranda and exhibits are sent back and forth between the lawyers to *churn* the account. If a stock broker engaged in this type of conduct, he would lose his license. The lawyers also create new ways to send wallpaper. For example, when I recently received my daughter's visitation schedule for this summer, it came as a legal document with a "Certificate of Service" attached. This is a legal document used when there is a pending action, one does not attach such documents to ordinary correspondence. Yet, in South Carolina, the lawyers will invent an excuse to create this wallpaper for opposing counsel to read—and they both bill for it. The attorneys will take evidence from the clients' files and send it back and forth. They will file motions with the court to which are attached meaningless *exhibits*. This is one of the most heinous practices and it is common in South Carolina. When a lawyer files a simple motion of 2–3 pages, he will attach 40–50 pages of "exhibits." Often they will attach these exhibits in several documents throughout the course of a trial. The recent rage among lawyers is to use the FAX machine for these useless transfers of documents. If you do this in federal court, you risk sanctions by the judge. If

you do this in the South Carolina family courts, the judges all feel this gives them *job security*.

5. EXCESSIVE MOTIONS.—This is a common abuse in South Carolina and other states. The matrimonial lawyers will make a motion under just about any pretense. When they make a motion for a continuance based on their personal problems, the clients must pay for the time and expense.

6. CONFLICTS OF INTEREST.—One of the most horrendous breaches of ethics I discovered in the South Carolina family courts is the ongoing conflict of interest situations between the lawyer, lawyers acting as guardians, lawyers acting as mediators, and judges. In my own divorce, I discovered that my lawyer, my wife's lawyer, my children's guardian were all members of the same church. Furthermore, the guardian ad litem for my children was not only a good friend of my wife's lawyer, but was—in fact—almost like a sister to him. They had an extremely close relationship. And, the other serious problem is that these lawyers, guardians and mediators will all have *pending cases* with each other. This is especially true in small communities. As many of my friends and members have often said, *"They're all in cahoots!"* And its true. They all are members of the *Family Law Sections* of the bar associations. They are a cartel, a gang, a bunch of hoodlums who need to be reformed if not eliminated. Many of the judges have very close relationships with the lawyers, guardians and mediators. And, the women guardians *always* give the kids to the mother.

7. PERJURY AND SUBORDINATION OF PERJURY.—As a retired member of the South Carolina Bar Association, one of the most depressing things I have discovered is how often lawyers have their clients come into family court under a cloud of perjury. Since the lawyer is usually the one who helps fabricate the perjury, the lawyer is guilty of subordination of perjury. For example, in my own divorce my wife failed to inform the court that she has $6,000.00 in a slush fund with her lawyer, and she further failed to reveal $4,200.00 month in salary. The court, based on her *sworn affidavit* that she was penniless and only had $600.00 to her name, and that she needed attorneys suit fees, gave her $2,500.00 per month temporary support and order that I advance $7,000 to her lawyer for suit fees. You can see this gave her lawyer $13,000 in funds with which he could operate and my lawyer only $7,000.00. But the important part of this illustration is when I refused to pay the amounts based on her fraud and deceit, the court threatened to hold me in contempt of court for non-compliance with his order. This is in the face of the fact that I filed a timely *motion for reconsideration* based on fraud and perjury. What I am saying is this: *in South Carolina men are treated with great prejudice*. We still have a statute on the books that states "The woman is the favored suitor." To take the case further, when I filed a complaint with the S.C. Bar Association about the fraud and perjury, the S.C. Attorney General dismissed my complaint against the lawyers and prosecuted me for the filing of a "non-meritorious complaint." The members of the Bar reviewing the case dismissed the case against me as non-meritorious. This effectively quashed both complaints. Such is justice in South Carolina as to men seeking equity in child support and divorces.

8. CHILD SUPPORT.—In South Carolina, the general rule of law is that the man is totally at fault, totally liable, that he should be made to pay all child support, and that the woman is still the "favored suitor." When a woman is able to work and contribute to the support of children, the courts very rarely hold her feet to the fire.

9. HEARSAY AS TO AMOUNTS OF CHILD SUPPORT.—In South Carolina, the judges now use a computer software system designed by a divorce lawyer with an undergraduate degree in human behavior. He did this with the assistance of a local CPA. Neither of them is an economist. *We have never had a team of economists look at the issue of child support and the true and hard costs of raising a child.* Nor has anyone ever looked at contributions the women could make if given the chance or order by the court to do so. The *MAN* always pays, the *Man* always is threatened with contempt, and the *MAN* is always the parent who serves time in jail.

I can go on and on with examples, but that would make me look like a wallpapering divorce lawyer. I have offered you the above problems to show you that you need to deal with these matters before you start imposing any unrealistic laws on the fathers of this country.

At this time in our history, a poor man cannot afford a lawyer to make a slight modification in his child support payments. There is no means other than to be

forced to go to an unethical and sleazy matrimonial lawyer for relief. Our poor people have been raked over the coals of the camp fires of these lawyers and it has to come to a halt. The Society of Just Men is proposing one possible solution:

CREATION OF A DOMESTIC RELATIONS AGENCY.

This agency would work at the county, bi-county or tri-county level depending on population needs. It would be staffed by trained human services people such as psychologists, social workers, law enforcement officers, marital counselors and debt counselors. It would help our poor people so much. Instead of paying incompetent and unethical lawyers $300.00 to ravage their assets, they would pay a nominal fee for assistance. The agency could be self-supporting and it could also receive grants and gifts. Its prime duties would be:

(1) **preservation of the children's marriage;**
(2) **preservation of the family's assets;**
(3) **preservation of the relationship between the father and mother;**
(4) **giving medical and psychological assistance** (when it is evident mental illnesses, e.g., borderline personalities, postpartum depression, anxiety, alcohol and drug abuse, are present. If I never do anything else in my lifetime, I feel my idea for this agency will be worth a lifetime of effort in bringing in into fruition. This is a noble cause and it is one we all should pursue. This domestic relations agency would be the answer to many problems we currently have with giving help to poor people in the throes of divorce or child custody situations.)

And, if the agency could not handle any narrow question, the parents would have the right to pursue the issues with a lawyer before a family court judge—but with narrowly confined issues and at minimal expense. The agency would have the power to grant divorces under a judge's signature, and it would have the power to grant child custody and support. It would also handle all child support payments. Joint custody would always be granted except in the most extraordinary circumstances. Liberal visitation would be required even when a parent moved out-of-state. And the moving parents would be held to high degrees of financial liability as to the creation of a separation of father, mother and children for frivolous reasons. Electronic communication would be encourage, especially by telephone and email and video communication by computer on the Internet.

Recently, a secretary with very limited means asked me for a recommendation as to a divorce lawyer. I sent her to a woman lawyer whom I had discovered is a member of the National Organization of Women. I had hoped this member of the Family Law Section of the South Carolina Bar Association would help her with her rather simple divorce and custody action and at a reasonable cost. The final bill for attorneys fees was $20,000.00. Not only am I shocked, but I am hurt that this N.O.W. lawyer allowed this to happen. I certainly will never refer a case to her again. So much for ethics between women lawyers and their women clients in South Carolina.

One local law firm acquired a $100,000.00 home as the total and final divorce settlement for a woman in this state. The lawyers' bill was $140,000.00. The S.C. Supreme Court called the amount excessive but did nothing to the lawyers. The same firm represented a woman who suddenly died leaving two babies without a mother. The lawyers sued the *babies* for their legal fees. The S.C. Supreme Court called their conduct "egregious," but did nothing to discipline the lawyers. This is the problem: corruption from the highest court in each state, corruption in the offices of the attorney generals, and corruption in the leadership of the bar associations. *All of this has been done over the years with the blessings and financial aid of our U.S. Congress.*

The DOMESTIC RELATIONS AGENCY is my invention, but it could also be a tremendous gift of Congress to the American people. It could be overseen by a federal agency that could control funding and self-funding throughout the states and territories. Such an agency would open a new frontier of marital relations, equity in child support and enforcement, and in preserving our citizens' marriages, assets, and their emotional and spiritual well-being—and *without* lawyer involvement at the lower levels. Most importantly, it could be an agency which would recognize and uphold the idea that *it's the childrens' marriage too,* not the lawyers' marriage to be plundered viz-a-viz crime, fraud and deceit.

My remarks are never addressed towards the honest and ethical members of the bar associations and judiciaries. There are many lawyers and judges who feel just as I do about the fraud and crime in our family courts, and the need to do something about this organized mob of hooligans in black robes and pinstriped suits. They ravage our men and women and children as "matrimonial" lawyers in *their* "family" courts. It must stop! And, Congress should stop sending any kind of financial aid to them.

In conclusion, I do not feel you can accomplish anything until such time as you deal with the above abuses in our courts. After all, do any of you want to add fuel to this fire of crime, fraud, deceit, perjury, subordination of perjury, misrepresentation and corruption? Can any of you truthfully state that you want to ignore the above abuses and simply work around them and add more to the burden of fathers in this country? *Do you want to further burden our fathers with any kind of law in such a corrupt system?*

If you are interested, you can learn more about the Society of Just Men at our new website: http://socjustmen.tripod.com. We are Christian men who are family-oriented men who fight for a better domestic relations system in our states. We not only seek to help our men, but we also seek to help our women, our children and grandchildren.

Respectfully submitted,

William Whitley Hodges, J.D.
Founder and Chairman